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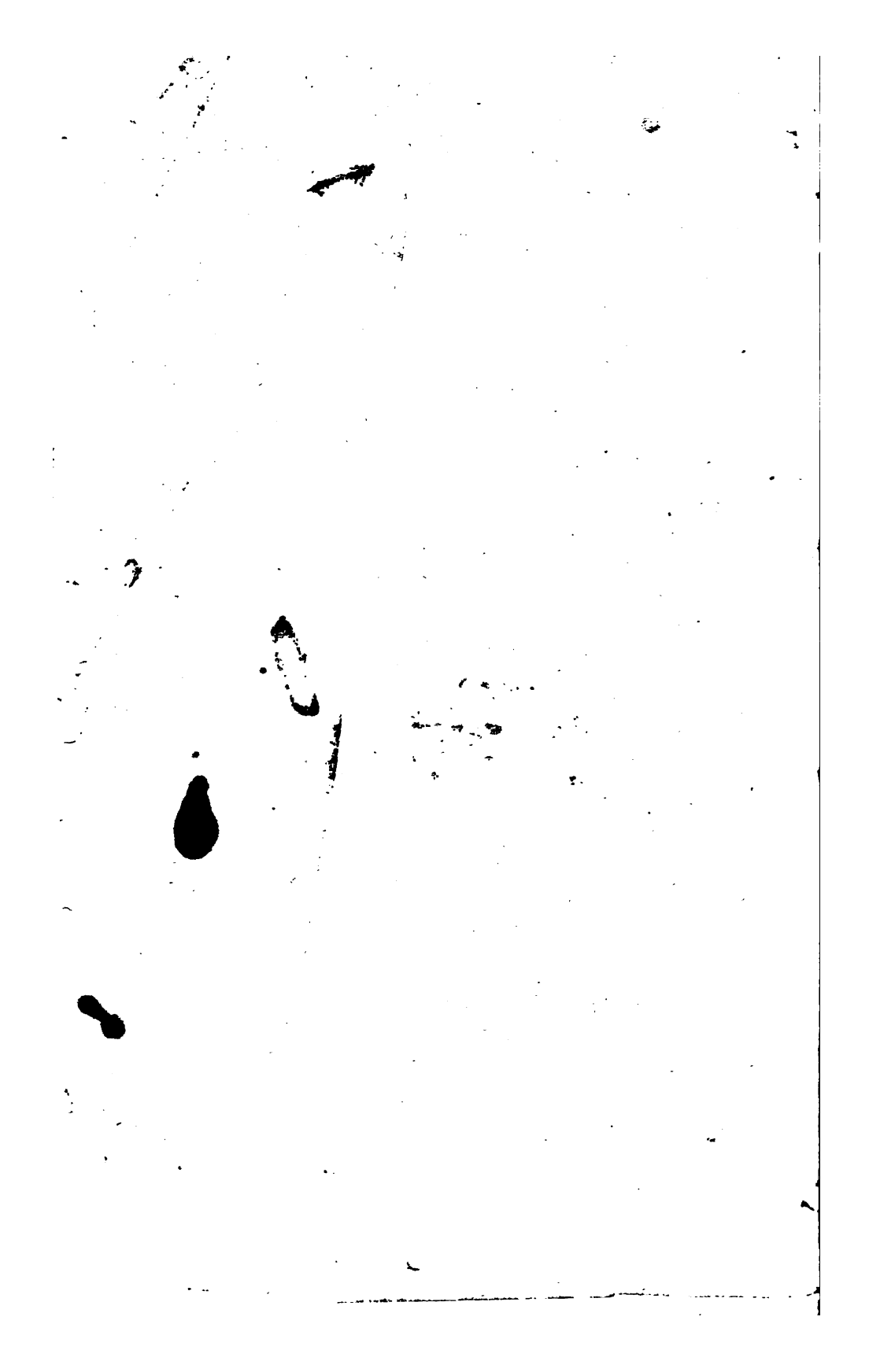




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**JOURNAL**  
**OF THE**  
**SENATE OF VERMONT.**  
**1840.**

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JOURN

SCIENCE  
OF THE

SENATE

OF THE

STATE OF VERMONT.

OCTOBER SESSION, 1840.

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# JOURNAL.

AGREEABLY to the provisions of the constitution, the Senate of the State of Vermont convened at the State House in Montpelier, on the second Thursday of October, being the eighth day of the month, in the year of our Lord, one thousand eight hundred and forty.

## PRESENT,

His Honor, DAVID M. CAMP, *Lieut. Gov., President*

## SENATORS.

<i>Bennington County,</i>	. .	NOADIAH SWIFT, AHIMAN L. MINER.
<i>Windham County,</i>	. . .	CALVIN TOWNSLEY, DAVID CRAWFORD, EMERY WHEELOCK.
<i>Rutland County,</i>	. . .	ISAAC NORTON, ANDERSON G. DANA.
<i>Windsor County,</i>	. .	ABEL GILSON, BARNABAS DEAN, WALTER PALMER, THOMAS P. RUSSELL.
<i>Addison County,</i>	. .	DORASTUS WOOSTER, ELIAS BOTTUM, ISAAC CHIPMAN.
<i>Orange County,</i>	. . .	SIMEON SHORT, TIMOTHY MORSE, NATHANIEL WHEATLEY.
<i>Chittenden County,</i>	. .	JOSEPH MARSH, THADDEUS R. FLETCHER.
<i>Washington County,</i>	. .	ORION W. BUTLER, NATHANIEL EATON.
<i>Caledonia County,</i>	. .	WALTER HARVEY, ELIAS BEMISS, JR.
<i>Franklin County,</i>	. .	HORACE EATON, TIMOTHY FOSTER, JOSEPH WATERMAN.
<i>Orleans County,</i>	. . .	JACOB BATES.
<i>Essex County,</i>	. . .	STEPHEN HOWE.
<i>Grand Isle County,</i>	. .	SAMUEL ADAMS.

The above named Senators were duly sworn.

Mr. Wooster moved that Mr. Orson Clark, a Senator from the county of Rutland, be admitted to his seat without producing his credentials; and the question being taken thereon, was decided in the affirmative, and Mr. Clark was duly sworn and took his seat.

On nomination of the President, a committee was appointed to canvass the votes for Governor, Lieutenant Governor and Treasurer, for the year ensuing, consisting of the following Senators:

Mr. Townsley, Mr. Miner, Mr. Clark, Mr. Gilson, Mr. Chipman, Mr. Morse, Mr. Fletcher, Mr. Eaton of Franklin, Mr. Eaton of Washington, Mr. Bemiss, Mr. Waterman, Mr. Adams, Mr. Bates and Mr. Howe, who were duly sworn.

On motion of Mr. Wooster,

*Ordered*, That the Rules of the Senate of the last session be adopted as the rules of the present session until otherwise ordered.

Mr. Adams introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That the members of both houses meet in county conventions, on Friday next, at three o'clock in the afternoon, for the purpose of making nominations of county officers, and that both houses meet in joint assembly on Saturday next, at ten o'clock in the forenoon, to elect such officers.

Which was read and passed.

On motion of Mr. Eaton of Franklin,

*Ordered*, That His Excellency, the Governor, be informed that the Senate is assembled and ready to receive any communications he may please to make.

Mr. Eaton, of Franklin, was appointed to perform this service.

Mr. Marsh introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, that the Secretary of the Senate and Clerk of the House of Representatives procure to be published for the use of the members of the General Assembly, six hundred copies of the Legislative Directory, with the joint rules and the rules of both houses.

Which was read and passed.

Mr. Miner introduced the following resolution:

*Resolved*, That the Secretary be directed to furnish the President, secretaries and each member of the Senate with one daily and one weekly newspaper, during the session, such as each may designate, at the expense of the state.

Which was read and passed.

On motion of Mr. Short,

*Ordered*, That when the Senate adjourn, it adjourn to meet at three o'clock this afternoon.

On motion of Mr. Adams,

*Ordered*, That so much of the rule requiring the election of committees by the Senate, as relates to the committee on bills, be suspended, and that said committee be appointed by the President.

The President announced the appointment of Mr. Gilson and Mr. Fletcher, as the committee on bills.

A message from the House of Representatives, by Mr. Baxter of Burlington, a member :

MR. PRESIDENT: I am directed by the House of Representatives to inform the Senate, that a quorum of the House is organised by the election of Carlos Coolidge, Speaker, and Ferrand F. Merrill, Clerk *pro tempore*.

On motion of Mr. Eaton, of Franklin, the Senate proceeded to the election of the committee on rules.

The ballots having been taken and examined, Mr. Miner, Mr. Townsley and Mr. Wooster, were elected as such committee.

Mr. Wooster introduced the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of passing a law prohibiting the sale of bank charters to citizens without the state.

Which was read.

On motion of Mr. Foster,

*Ordered*, That said resolution be laid on the table.

Mr. Miner introduced the following resolution.

*Resolved*, by the Senate and House of Representatives, That both houses meet in joint assembly this afternoon, at four o'clock, for the purpose of hearing the report of the canvassing committee.

Which was read and passed.

The Senate adjourned.

#### AFTERNOON.

A message from the House of Representatives, by Mr. Merrill, their clerk.

MR. PRESIDENT: The House have passed a resolution for a joint assembly for electing judges of the supreme court, in which they ask the concurrence of the Senate.

The House concur with the Senate in passing the following resolutions :

A resolution relating to county appointments ;

A resolution for a legislative directory, and

A resolution for a joint assembly to hear the report of the canvassing committee.

The sergeant at arms having nominated and recommended to the President of the Senate, for his approval, Henry Nutt for door keeper of the Senate, and Solon Howes for assistant door keeper for the year ensuing, and the said nominations having been approved by the President, the said Henry Nutt and Solon Howes were severally duly sworn.



His Honor, David M. Camp, signified to the Senate his acceptance of the office of Lieutenant Governor, for the year ensuing, and the oath of office was administered to him by the Assistant Secretary.

The President addressed the Senate as follows:

*Gentlemen of the Senate:*

Near the close of the last session, an opportunity was presented, when I thought I could with propriety express my desire to be excused from any further services as the presiding officer of this body. I supposed my wishes would correspond with the principle of rotation adopted in practice by the freemen of this state, and consequently retired without the expectation of again meeting you here. I subsequently learned from several applications, direct and indirect, that I was not well understood, and made an explanation which it may be proper that I should now repeat. What I said on that occasion was sincere and in good faith, and should have been taken precisely as it was expressed. Some, however, seemed to think that I had put forth a sort of interdict, based upon a stubborn resolution that my poor services should no longer be at the control of my fellow-citizens.

Such was not my intention, and could not be without the violation of a principle of conduct, to which I have always yielded an implicit obedience. It is this,—“every individual, in a free government like ours, is under obligation to serve his fellow-citizens in any station to which they may call him.” I have discovered but two exceptions to this rule. The first is where the individual is conscious of the existence of defects, or obstacles not known to others, which render him incompetent or unfit; the second is where he has already been burthened by onerous public duties. Not perceiving that my case came within either of these exceptions, I did not feel at liberty to say more than I did on that occasion. I could not, then, withhold my consent from the act of my friends, which again presented me as a candidate for re-election, nor hesitate again to take the oath of office. I may, however, reiterate the wish of last year, and I do it without the anticipation of any circumstance likely to prevent its gratification.

Believing, then, as I do, that this is the last time I shall have the honor of presiding in this body, I feel that a further duty devolves upon me at this time, which is, by reviewing the action of the Senate hitherto, to aid in furnishing the means by which our fellow citizens can decide whether they have gained or lost by the recent important alteration in the state constitution.

That instrument asserts the necessity of a frequent recurrence to fundamental principles. Those rules and maxims, which have been admitted as axioms in political economy, can never be lost sight of with impunity, and yet, in the varying tide of human events, nothing is more apparent than the fact that considerable care is requisite to keep them fresh in our memories. But experience is the great teacher in legislation as well as every other department of human action; and if a recurrence to important principles is of such a conservative tendency as to justify its assertion in the organic law of the state, a review of the past operations of the machinery of government, is essential to the correction of errors and to confirm our attachment to what is really valuable.

As my object is one of practical utility, it would not be barely invidious, it might frustrate that object altogether, if I should institute a critical com-

parison between the operations of the two bodies now constituting the General Assembly. The *esprit du corps* may be found in a legislative, as well as a military, or other body. Different views, therefore, might be entertained on the same subjects, and I might be suspected, if not charged, with an attempt to exalt the Senate at the expense of the House of Representatives. This consideration will prevent the enumeration of several circumstances calculated to prove the importance of having the legislative power vested in two co-equal-branches; but it saves all occasion for jealousy in the friends of either. I omit, therefore, any allusion to specific cases, in which the Senate has rejected bills sent from the House, and those, in which many and important amendments were made before a concurrence could be had. Senate bills have met the same reception in the House; though, probably, of a much less frequent occurrence; and the question, which body is entitled to the credit of the greatest wisdom, prudence, or patriotism in their several acts, may be left to be settled by the people, whenever they shall see fit to examine them, aided by the light of experience, which time only can supply.

But with regard to the amount of labor of the two bodies in the appropriate business of legislation, there is no danger of instituting the most critical comparison, and thus showing the importance of the Senate, without detracting aught from the established reputation of the House. Deducting from the whole number of public acts passed the four last sessions, those termed revenue laws, which by the constitution must originate in the House, it will be found that in 1836, nineteen originated in the Senate and twenty in the House. In 1837, fifteen in the former and fourteen in the latter. In 1838, twelve in the former and twenty in the latter. In 1839, four in the former and three in the latter. Of the comparative importance of these bills, no opinion can now be expressed, which would be likely to meet the views of all. If other duties have been divided in the same ratio, it will be seen that nearly a moiety of labor actually performed in the important business of improving the laws of the state, has been done in the Senate. These meritorious services cannot with propriety be attributed to the superior skill or industry of individual senators, for most of them have labored in the House with no better results than others. The conclusion, therefore, is plain, that for these benefits the state is indebted, solely, to the circumstances in which the Senate differs from the House. The paucity of numbers and the comparative aggregate amount of talents, have given to the Senate its peculiar facilities for business and secured these favorable results.

Should this partial review, accompanied as it may be, with a minute comparison of other circumstances now purposely omitted, convince the people that the public good has been promoted by the institution of the Senate, another interesting subject is presented in the question: "how can its efficiency be still further augmented and its permanency secured?"

This must mainly depend upon the qualification of the Senators. How then can the freemen secure for the Senate that high grade of talent and experience which are indispensable to success? To this end, a general diffusion of information and a patriotic attachment to our institutions are highly important; but are not alone sufficient. The principles which regulate the construction of a legislative body, will have an important bearing upon its efficiency. If the freemen are restricted to narrow geographical limits, in which to make a selection of public servants, they may not always succeed in finding the best talents, though in the language of the

constitution, they may "choose men most noted for wisdom and virtue," within those limits. In the selection of Senators no difficulty of this kind can be anticipated. Every county will contain the requisite number of men of unexceptionable qualifications. Something may depend upon the compensation and other inducements connected with the office, for the men best fitted for public service are generally engaged in lucrative and honorable employments at home. The reluctance to serve the state at a pecuniary sacrifice, cannot always be overcome by the most ardent and enlightened patriotism, and there is danger in such a case that changes will be so frequent as to preclude the possibility of acquiring the necessary degree of experience.

The rule of rotation in the Senate of the United States, which is the same in principle in several of the individual states, where the elections are tri-ennial and the term of service three years, an election of one third to be made annually seems to be most generally approved. This rule was sought to be incorporated in the amendments to our constitution, and probably would have been but from our attachment to the long continued practice of annual elections. If the friends of that rule had succeeded, the whole number of Senators returned at five several elections, could not have exceeded seventy, whereas in point of fact there has been ninety-one; the changes having been something over five per cent. greater than the public good seems to have required.

Another effect of the above rule is to make the changes from year to year uniform, securing, except from casualties, at least two thirds who had the advantage of some experience. In this particular our practice shows an entire want of uniformity. At the second election there were twelve changes; at the third, sixteen; at the fourth, ten, and at the fifth twenty-three! At the close of this session it will be found, that of the whole number, two only have served four years; eight, three years; thirty-seven, two years, and forty-four, one year. Of the present Senate, three are now, who were members in 1836; but two of 1837; one of 1838; six of 1839, and but seven who have never before been members. Whether these excessive fluctuations may have arisen from the reluctance of Senators to become candidates for re-election, or from versatility in the freemen, I have not the means of deciding. If the former, some further inducement should be offered; if the latter, the remedy is with the people, and they should promptly apply it.

Of the "fundamental principles," to which our constitution asserts the necessity of a frequent recurrence, perhaps there is no one of greater practical importance than economy in the expenditure of the public money.—It is clear that the people of this state have wisely intended to secure a cheap and efficient government, rather than a splendid and expensive one. The compensation for all our public servants is graduated on a scale of rigid if not severe economy, and in all cases, so far as practicable, a distinct allowance is made for every definable quantum of service. This feature in our constitution and the economical habits of our industrious and thrifty population, admonish us to confine ourselves to a careful application of the law, when we have a definite legal enactment, and to conform to the same principle in all cases of contingent expenditures.

Encroachments upon the principle of economy will ever be found to have had their origin in small beginnings, and frequently to have passed unnoticed until they had acquired a magnitude truly formidable. Hence retrenchment is at all times a proper subject for legislative enquiry, and

should be extended to small and comparatively unimportant particulars. The example is exceedingly pernicious, and the reputation for integrity of public servants, cannot long survive a gross misapplication of legal enactments, or a careless indifference, where a degree of discretion is allowed in the disposal of the public money.

We have no statutory regulations as to the manner in which the debenture of the Senate shall be made, in what way our compensation shall be drawn from the treasury, and what shall be a proper voucher for the Treasurer, except in these very general terms, "a certificate of debenture." It has been usual for the President to furnish the certificate. This is obviously improper in relation to the items of mileage and attendance of any except himself. The Secretary takes the mileage from Senators rather early in the session, and in making the debenture, sets it down opposite to each name. The number of day's attendance he finds by computing the whole number, from that on which the session commenced, to and including the day fixed for adjournment. Whether there may not have been days and even weeks of absence of individuals he has no means of knowing, except where leave has been granted by the Senate, which of course brings the fact upon the journal. The amount of compensation to which each is entitled is ascertained from the law and these data, and that each receives without making any enquiry whether absences, known probably to none but himself, are deducted, and he signs a receipt for the money. After all are paid off, the President is called upon for his official signature, which is necessary to pass the document at the treasury. In justice to the Secretary, this can hardly be withheld. The *presumption* is that all is correct; but the *proper evidence of it is wanting*. If the rule, which restricts Senators to absence *on leave*, was strictly regarded, some of the evils arising from this loose practice might be obviated.

Another practice has occasionally been exhibited, somewhat analogous to the foregoing. Leave of absence, for the remainder of the session, has been granted from and after a day named, which may be two, three or more days after that on which the application is made. An individual so situated, if pressed with anxiety on account of friends or business, might be tempted to draw his pay and immediately retire, and thus secure his per diem for some days after his arrival at home. Whether frauds have actually been committed under this practice, is not now the object of inquiry; if, in fact, it offers facilities for their commission, it should be promptly reformed. Should leave of absence be always so restricted as to have its commencement from the day on which it is granted, and should the debenture be so formed as to contain from each individual a certificate of mileage and attendance, a remedy for these evils would probably be attained.

These suggestions, gentlemen, are not made in consequence of complaints or accusations from any quarter, nor for the purpose merely of saving to the state a few dollars of expense; but rather because important principles, as well as the reputation of this body and that of the individuals composing it, are believed to be somewhat involved. I would have the character of the Senate of Vermont not only pure, but unsuspected.

I congratulate you, gentlemen, upon the prospect of a short, a harmonious, and I trust profitable session. The labors of your predecessors the last year, so incessant, so fatiguing and so happily conducted, seem to have left but little, comparatively, now to be done, and the condition, habits and feelings of your constituents, indicate the propriety of husbanding

the resources of the state, in some measure committed to your care, so far as will consist with a faithful performance of duty. I flatter myself that every Senator, anticipating but a brief absence, has so arranged his domestic concerns as to obviate the necessity of a single day's absence from his place until the final adjournment, and thus we may furnish an example worthy the imitation of our successors in all future time. It will be my constant endeavor, so far as ability and opportunity permit, to aid you in the performance of your labors, and if practicable, bring them to a speedy and profitable conclusion.

On motion of Mr. Wooster,  
The Senate adjourned.

FRIDAY, OCT. 9, 1840.

A resolution from the House of Representatives:

*Resolved*, by the Senate and House of Representatives, That both houses meet in joint assembly on Saturday next, at three o'clock in the afternoon, for the purpose of electing judges of the supreme court for the year ensuing.

Which was read.

On motion of Mr. Foster,

*Ordered*, That said resolution be laid on the table.

On motion of Mr. Miner,

*Ordered*, That the Senate proceed to the election of a Secretary of the Senate for the year ensuing.

The ballots having been taken and examined, DeWitt Clinton Clarke was duly elected; and thereupon was duly sworn and entered upon the duties of his office.

On motion of Mr. Wooster,

*Ordered*, That the Senate proceed to the election of a Chaplain for the year ensuing.

The ballots having been taken and examined, the Rev. Buel W. Smith was found to be elected.

The following communication was received from His Excellency the Governor:

*To the Senate:*

Having taken the oaths prescribed by the constitution, and entered upon the duties of Governor of the state for the year ensuing, I have the honor to inform, that George B. Manser, of Montpelier, is appointed Secretary of Civil and Military Affairs, and that I propose making the annual Executive communication at ten o'clock to-morrow morning.

SILAS H. JENISON.

Executive Chamber, }  
Oct. 9, 1840. }

On motion of Mr. Eaton of Franklin,

The Senate proceeded to the election of the standing committees, agreeably to the rules of the Senate.

The ballots having been taken, the following persons were elected members of the standing committees:

*On Finance.*—Messrs. Adams, Norton, and Fletcher.

*On Judiciary.*—Messrs. Miner, Short, and Wooster.

*On Claims.*—Messrs. Clark, Wheelock, and Butler.

*On Education.*—Messrs. Eaton of Franklin Co., Short, and Dana.

*On Agriculture.*—Messrs. Foster, Harvey, and Chipman.

*On Manufactures.*—Messrs. Waterman, Palmer, and Gilson.

*On Elections.*—Messrs. Bates, Morse, and Eaton of Washington Co.

*On Military Affairs.*—Messrs. Crawford, Clark, and Bemis.

*On Roads and Canals.*—Messrs. Bottom, Wheatley, and Russell.

*On Banks.*—Messrs. Townsley, Swift, and Marsh.

*On Land Taxes.*—Messrs. Marsh, Dean, and Howe.

Mr. Butler moved to be excused from serving on the committee on Claims.

The Senate refused to excuse Mr. Butler.

Mr. Wooster introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, that a joint committee, consisting of three members of the Senate and three members of the House of Representatives, be appointed by their respective houses, to report such joint rules as may be deemed expedient, for the action of the General Assembly.

The resolution was ordered to be laid on the table.

The following resolution was introduced by Mr. Miner:

*Resolved*, by the Senate and House of Representatives, That the joint resolution, passed on the eighth instant, in the following words:

“*Resolved*, by the Senate and House of Representatives, That the members of both houses meet in county convention, on Friday next, at three o'clock in the afternoon, for the purpose of making nominations of county officers, and that both houses meet in joint assembly, on Saturday next, at 10 o'clock in the forenoon, to elect such officers,” be rescinded, and that the members of both houses meet in county convention on Tuesday next, at three o'clock in the afternoon, for making nominations of county officers, and that both houses meet in joint assembly, on Wednesday next, at 10 o'clock in the forenoon to confirm such nominations.

On motion of Mr. Short,

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Clark,

The Senate adjourned.

#### AFTERNOON.

Mr. Eaton of Franklin, called up the resolution, stated on the journal of this forenoon, relating to the appointment of a committee to report joint

rules to the two houses, and the question, Shall the resolution pass? being taken, was decided in the affirmative.

So the resolution passed.

On motion of Mr. Wooster, the Senate took under consideration the resolution, stated on the journal of yesterday, relating to the sale of bank charters, and the said resolution was read and passed.

On motion of Mr. Wooster,  
The Senate adjourned.

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SATURDAY, OCT. 10, 1840.

A message from the House of Representatives, by Mr. Merrill, their clerk:

MR. PRESIDENT: The House concur with the Senate in passing a resolution relating to the appointment of a committee to report joint rules to the two houses, and have on their part appointed Messrs. Swift, Chandler of Woodstock and Vilas, to join the committee appointed by the Senate.

Mr. Adams introduced the following resolution:

*Resolved*, That one Senator from each congressional district in this state, be appointed to join such committee as the House of Representatives may appoint, to receive, sort and count the votes for members of Congress in the several districts, and that said committee be appointed by the chair.

Which was read and passed.

A message from the House of Representatives, by Mr. Wasburn, assistant clerk:

MR. PRESIDENT: The House have passed a resolution for a joint assembly to elect commissioners of deaf and dumb, and a superintendent of the Vermont state prison, and also a resolution for a joint assembly to elect a Secretary of State, in which they ask the concurrence of the Senate.

On motion of Mr. Wooster,

*Ordered*, That the Senate proceed to the election of an assistant secretary of the Senate for the year ensuing.

The ballots having been taken and examined, Edward A. Stansbury was found to be elected, and thereupon was duly sworn and entered upon the duties of his office.

Mr. Clark introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That both houses meet in joint assembly, on Tuesday next, at ten o'clock in the forenoon, for the purpose of electing a reporter of the decisions of the supreme court.

Which was read.

On motion of Mr. Wooster,  
*Ordered*, That said resolution be laid on the table.

On motion of Mr. Miner,  
*Ordered*, That the committee of the Senate to join the committee of the House, to report joint rules to the two houses, be appointed by the chair.

The President announced the appointment of the following committees:

Committee to join the committee of the House to report joint rules to the two houses,

Mr. Miner, Mr. Townsley and Mr. Wooster.

Committee to join the committee of the House to canvass the votes for members of Congress,

For the first district—Mr. Miner.

For the second district—Mr. Clark.

For the third district—Mr. Palmer.

For the fourth district—Mr. Adams.

For the fifth district—Mr. Harvey.

The following written message was received from the Governor, by Mr. Manser, Secretary of Civil and Military Affairs:

*Fellow Citizens of the Senate,*

*and of the House of Representatives :*

Again it becomes my duty to address you upon our public concerns. Our official duties are various and responsible, and we shall best subserve the object of our appointment, and most effectually promote the prosperity of our country, by an honest, faithful and wise discharge of them. All legislation, having in view the virtue and permanent happiness of the people, will ultimately result in the common welfare.

Under our happy form of government, the rights of the humblest citizen are as sacredly secured as those of the most favored; and every act, which shall, unnecessarily, limit or abridge those rights, is a positive contravention of the letter of our constitution and in direct violation of the spirit of our civil institutions. To encourage the practice of virtue, to prevent the commission of crime, to foster the interests of education, to promote the industry and improvement of the country, and to protect the personal liberty and rights of our citizens, are among our legitimate and proper duties, as legislators.

In popular governments, law depends, for its efficacy, mainly upon the convictions of the people of its necessity and expediency. Without public opinion in its favor, legislative enactment becomes a dead letter upon our statute book, and is not only disregarded of itself, but in some measure weakens



the force of salutary and necessary laws, and, consequently, lessens the respect paid to them. We ought, therefore, to pause and examine with great caution, before adopting propositions for altering the principles or details of laws, which have received a judicial construction, and with whose provisions the people have become familiar.

The very careful revision of our laws, at the last session of the General Assembly, brought under examination most of the important provisions of our statute law. Time has scarcely been afforded, since its promulgation, to test the operation of the various modifications and amendments therein introduced, and the necessity of any immediate alteration will, doubtless, be obvious and plain, before you will feel called upon to make it.

Our revenue, derived almost entirely from a direct tax on the people, presents a constant admonition to frugality and economy in expenditure, and should lead to frequent enquiry into the operation of our system of taxation. This system is based, mainly, on income; and it is due to those who defray the expenses of government, that all productive property and profitable pursuits, should bear their relative proportion of the public burdens.

From frequent applications to me for the remission of small fines, imposed by the County Courts, for assault and battery, and other breaches of the peace, I have been led to the inquiry whether an alteration in the law on that subject might not save considerable sums to the State, without weakening the claims of justice or lessening public security. Judging of the character of the offence, by the amount of fine imposed, the presumption is strong, that respondents, in some cases, have been bound over to the County Court by Justices of the Peace, more on account of the inability of the offender to pay a fine and costs, where the town in which the offence was committed might have had an interest, than by reason of the enormity of the offence. In a majority of cases, presented for the exercise of Executive clemency, the fine has been five or ten dollars, with costs varying from fifteen to sixty. Nor is the payment of enormous bills of cost, the whole charge to the State. Respondents, in cases of this character, being, usually, irresponsible and unable to procure bail, are consequently confined in jail, and the State charged with their support, as State prisoners. On conviction, a

sentence to pay a fine of a few dollars and costs of prosecution, operates as severely as a sentence of perpetual imprisonment, to the offender, and a perpetual charge on the State for his support, unless relieved by executive interference. If no other alteration should be deemed expedient, it would better accord with the humane spirit of our laws, to provide that the sentence, in such cases, should be in the alternative, either fine, or imprisonment for a limited time, when the fine is not paid. But I would respectfully suggest, as worthy of inquiry, whether a remedy might not be found, by providing, that, on conviction of certain inferior offences and misdemeanors, the fine should be paid into the town treasury, and whether it might not be expedient to enlarge the jurisdiction of Justices of the Peace for their trial.

By a salutary provision in the constitution of the United States, any person, committing crime in one state and escaping into another, shall, on demand of the Executive of the State having jurisdiction of the case, be removed there for trial. This provision should be carried into effect in good faith. Some of the States have made the act of procuring goods under false pretences an indictable offence. Cases are believed to have occurred where men, smarting under the loss of property, have been led to make oath to facts, at an *ex parte* hearing, which fully justified the commencement of a public prosecution for crime, where the real object was, evidently, to effect a compromise with a debtor, or extort money from his friends in satisfaction of a precarious debt. The executive warrant, when obtained, is used, not to bring a public offender to justice, but for individual benefit. The evil complained of might, perhaps, be prevented, were it made an indictable offence to compromise with, and permit to go at large, any person arrested on an executive warrant, issued at the request of the Governor of the State where the crime is charged to have been committed.

The condition of our common schools and seminaries of learning is always deserving your careful attention. In my last annual message, I urged the application of the income of the State school fund to purposes of education, and beg leave respectfully to refer to the suggestions there made:

We are practically an agricultural people. To the successful prosecution of this pursuit, are our citizens principally indebted, for the necessities, and many of the luxuries, of civiliz-

ed life. Although an interest of such vast importance to the prosperity of the State, it has heretofore received but little encouragement from the action of the government. Great improvements have been made, within the last half century, in this important branch of industry, owing, mainly, to the successful application of science in the developement of the properties of our various soils, and consequent adaptation of the same to the different products of agriculture. This is a matter, interesting, not only to the philosopher in his inquiries into cause and effect, but also furnishes an object of intense interest to the legislator and political economist. I feel justified in again urging upon the favorable consideration of the General Assembly, the propriety of a geological survey of the State. Much valuable information on this subject may be found embodied in the reports made to the three last sessions of the Legislature.

The difficulties which have beset the business transactions of the country since 1836, are, by a large majority of the people of this State, considered as having grown out of the improvident measures of the general government. Many of our most enlightened and sagacious statesmen clearly foresaw and predicted the result; a majority of the community, notwithstanding, deceived by the plausible reasoning and specious promises of interested and designing men, and by the apparent prosperity and success with which most kinds of business were then pursued, were led, for a season, to give them their support. The people, however, are now engaged in a fearful strife to remove from the administration of the federal government those, who, in the discharge of their official trusts, they believe, have wantonly disregarded the best interests of their constituents. As the struggle progresses, the final result appears less and less doubtful. The recent elections indicate, with a certainty almost unerring, that the great mass of our population, whose only interest in government is, to have it wisely and frugally administered, are becoming convinced of the ruinous tendency of some of the leading measures of the administration. This result is the more to be prized, affording, as it does, indubitable evidence of that honesty of purpose and purity of intention, which have ever characterized the great body of the American people. It can hardly be otherwise, while the interest of the great majority of each of the political parties, into which the

country is at present divided, is the same, the greatest good of the greatest number. It furnishes a sure guarantee for the durability of our institutions, and a serious admonition to our rulers, that they will always receive a rebuke at the hands of the people, whenever they make the success of partizan measures an object paramount to the general good.

The subject of the currency will, doubtless, claim a share of your attention. The hostility to banks and a paper medium, for the transaction of the business of the country, has been carried on in an unrelenting, and in some instances, vindictive spirit. While some openly assail, and would at once abolish them, thereby compelling a resort to an exclusive specie currency, others, with a pretended conviction of their utility and necessity, covertly attempt their destruction, by advocating measures and principles, which, if sustained and adopted, would, ultimately, effect their ruin, by taking from them all their ability for usefulness. Among other charges, it has been said, that the operations of banks have induced high prices. Has the farmer, the artisan, or the merchant, suffered in consequence? High prices and a ready sale are great encouragements to individual industry and enterprise. Low prices operate to the reverse. It is alledged, that they have given a fictitious value to property. Be it so; under this state of things, and during their existence, immense indebtedness and liabilities have been incurred, in the purchase of property, in investments in manufacturing establishments and machinery, and in permanent and valuable improvements in the condition of the country. Would it be just, or humane, or honorable, for the same government, which authorized the establishment of banks, and gave them power to exert this influence over the business of the community, by encouraging liberal discounts in aid of these enterprises, at once to annihilate these institutions, or, what is equivalent, to discredit their issues, and thus bring the property of the country to what is claimed to be its real specie value? While thus unsettling the value of property, and the relative condition of our whole population, it must be remembered, that indebtedness cannot be reduced, but, on the contrary, it will be increased in the same ratio in which the price of property is reduced, and the means for payment lessened. The control of the whole property of the country would thus soon be placed in the hands of capitalists and money lenders.

I would not be understood as being an advocate for an irresponsible or unsafe banking system. But, believing, as I do, that the facilities heretofore afforded by banks and the credit system, have eminently contributed to foster and carry forward the great interests of our country, I hold it to be our duty, our imperative duty, as conservators of the public welfare, to sustain a safe and efficient banking system, as the best, if not the only, means of securing and promoting the pecuniary prosperity of our constituents.

I have no hesitation in saying that banks have been chartered with too great facility, and upon improper principles, in some sections of the Union; perhaps, to some extent, in this State. Much of the prejudice, now existing against these institutions, has arisen from this fact, and from their improper management. Where banks have been established upon solid capital, in places whose *bona fide* business transactions needed accommodations from that capital, and where the stock has been properly distributed and owned by capitalists seeking such investment of their money, I have heard but little or no complaint. Indeed, it is believed, that, in the most disastrous season of the last four years, such banks, instead of being liable to the censure so freely bestowed upon all banks—of crippling and oppressing community—have, uniformly, afforded more aid, and at a more reasonable rate, than would have been obtained, had the same amount of capital been under the control of individuals.

The danger and loss to community have arisen from granting bank charters, where the active business of the country did not require them, and from having them placed in operation upon a fictitious capital, managed by borrowers instead of lenders, their accommodations monopolized by directors or their friends, and embarked in hazardous, not to say, desperate speculations. While the business of the country remains prosperous, the bills of the bank are redeemed and obtain credit; but when a reverse occurs, and money cannot be raised from the particular business in which the borrowers are engaged, the bank fails to meet its liabilities and the bill-holders must suffer the loss; for, whenever an examination takes place, the notes for loans, and the capital stock of the bank, are found to be identical. The history of one of these swindling institutions would require but little variation, to serve as the history of every bank which has failed in New England.

The benefits between the banks and the people should be reciprocal. There would be no apology for granting to capitalists the privilege of associating for banking purposes, were we not fully satisfied, that, at the same time, we were conferring an equal benefit upon the community, among whom a bank may be located, by affording facilities for loans, at a reasonable rate, to such as take the property of the neighborhood to market and furnish it with merchandize in return, or to such as add labor to the raw material, and thus render the property of the country a more valuable, as well as more marketable commodity.

Entertaining these views, should this subject come under your consideration, it might naturally be expected that I should ask for them a candid and dispassionate examination. In the absence of all party feeling and every improper bias, the inquiry should be, does the active business of any particular section, asking for the establishment of a bank, need its accommodation? Are there capitalists, who will make investments of the stock?

If the affirmative be true, still we shall have made but a profitless improvement of the example of our predecessors and neighbors, if, when we adopt such salutary restrictions as will effectually secure the public from loss, we should impose such unreasonable and excessive restraints as shall prevent that public from enjoying the benefits of the system.

Copies of resolutions, passed by the Legislatures of several of our sister States, upon various subjects, have been received by me since the adjournment of the General Assembly. In compliance with requests by which they were accompanied, they will be laid before you.

No subject embraced in them is of so grave import, or involves principles so alarming in their character, as those from the state of New Jersey. One of the sovereign states of the Union has been deprived of her constitutional rights. Her Representatives, presenting the ever before undisputed and legal evidence of their election, have been refused seats in Congress. Not from any failure on the part of the free-men to elect; not from any fraud or neglect of the Executive of the State to furnish the usual and legal evidence of the result of such election; not through the omission of those holding that evidence to present the same to Congress; not in obedience to any law or precedent, which has heretofore

been considered binding in like cases, but in startling violation of all law and constitutional right, and a reckless disregard of all precedent.

Whatever motive may have influenced the decision of the majority in Congress on this question, still, in a history of the times, it will be difficult to consider it apart from the fact, that the matter was prematurely, and for the time being, settled, during the pendency of a favorite, executive and partisan measure; a measure, which all parties admit, is to exercise an important and controlling, if not destructive, influence on the pursuits and prosperity of the country.

This invasion of the constitutional rights of a State is the more dangerous, from the fact, that it was perpetrated by a body, over whom the injured party can have no control, and before whom it can neither make known its wrongs nor seek redress, except by sufferance.

From the practice, in regard to contested elections, which has prevailed from the foundation of the government until the last session of Congress, little danger could be apprehended. For there is no occasion to fear that any permanent wrong, either public or private, can grow out of any fraudulent or unlawful act of the state authorities, in cases of this character, as the actors, by our frequent elections, are so often brought before a tribunal, from which there is no appeal, and whose reproof few would be willing to encounter. Our present form of government has more to fear from undue assumption of power by the several branches of the General Government, than from any other source. It behoves the States, therefore, as they prize our liberties, to regard with watchful vigilance every approach to the usurpation and exercise of power not delegated by the constitution.

Through the politeness of the Trustees of the "Vermont Asylum for the Insane," a copy of their fourth annual report has been placed in my hands. A lasting debt of gratitude is due to the philanthropic individual, whose liberal bequest laid the foundation for this humane institution. The numerous applications for admission show the wisdom of the legislature making the appropriations which enabled the trustees to open their asylum with the least possible delay.

Many of the patients have been already restored to reason, to their families and to usefulness, and they will ever have occasion to revere the memory and liberality of their

benefactor, as well as the enlightened policy which opened this comfortable retreat. Sound policy and humanity alike require that the establishment be enlarged, whenever its present accommodations shall be found insufficient to meet the wants of the whole of this unfortunate class of our fellow men.

The report of the Superintendent of the State Prison, and the report of the committee, appointed by the last General Assembly to make a contract on behalf of the state for the labor of the convicts, have been furnished me, and will be laid before you at an early day. It will be perceived that the committee failed to accomplish the object of their appointment. The Superintendent, on the expiration of the contract with Mr. Hubbard in March last, found himself unexpectedly obliged to make immediate provision for the support and employment of the convicts. This was done, and the report shows, that for about six months, ending on the first day of October instant, there has been an actual income to the State of \$499,99, after paying all expenses on account of the prison, including the sum of \$568,94 for repairs, nearly all of which were for improvements of a permanent character. This result, flattering as it is to the Superintendent, certainly appears to exhibit the practicability of having the affairs of the prison managed by its immediate officers, without incurring pecuniary loss. If the legislature should be satisfied that the present prosperous condition of its affairs can be maintained, it would certainly appear more consonant with the dignity of the state, to keep the management of its prison concerns under the immediate control of the officers of this institution, than to pursue the policy of farming it out by contract, as proposed by the law of last session. The subject of improvement in the prison buildings, has been repeatedly brought to the notice of the legislature, by the Superintendent, and, since this institution must probably remain as an appendage to our criminal jurisprudence, so long as crime is found among us, any additional buildings, or repairs upon those already erected, if within the bounds of necessity and frugality, could hardly be regarded as a waste of funds.

The report of the moral condition of the prisoners is alike gratifying to humanity, and honorable to those who have the immediate charge of the institution.

The annual reports of the several state officers, which are



required by law to be made to me, will be laid before you as early as possible. Any other subjects, which it may be necessary to communicate to you, during the present session, will be presented in special message.

That distinguishing feature in democratic governments, rotation in office, has always been esteemed one of the most efficient safeguards of the purity of our free institutions. Having long entertained the opinion, that the public have a right to command the services of its citizens, in any station in which they may be considered necessary or useful, and that private convenience should always give place to the public will, I have never permitted my personal preferences to interfere with what seemed the public voice. Permit me, however, on this occasion, to say to you, and through you, to my fellow citizens generally, that my desires and wishes are, that they will select some other person to fill the place in which I now am, after the present political year.

Our frequent elections afford opportunity for an expression of the estimate, placed by the people, upon the services of their public servants.

I cannot sufficiently express the profound sense of obligation felt towards my fellow-citizens, for their having so repeatedly elected me to the responsible station of Chief Magistrate of the State. And the recent flattering manner in which they have been pleased to express, anew, their approbation of my humble efforts in their service, has greatly increased my obligations; for no circumstance can be more gratifying, than to meet this unequivocal evidence of the public confidence.

In conclusion, fellow-citizens, I cheerfully tender you my assistance, in whatever you may advance, destined to promote the general welfare; and may that ALMIGHTY BEING, without whose aid all our efforts are vain, so assist us, that we shall ever possess the consciousness of having faithfully discharged our duty.

S. H. JENISON.

EXECUTIVE CHAMBER, }  
Oct. 10, 1840. }

Mr. Foster introduced the following resolution:

*Resolved*, That the Secretary of the Senate be instructed to procure to be printed, for the use of the Senate, three hundred copies of His Excellency's message.

Which was read and passed.

Mr. Miner, from the committee on rules, reported the following, which were adopted as the

### RULES OF THE SENATE.

1. The credentials of Senators shall be presented to the Secretary or Assistant Secretary, previous to nine o'clock in the morning of the second Thursday of October, at which time the Senate shall be called to order. The names of the Senators shall be called over, and when a quorum shall have taken their seats, they shall, having first taken the necessary oaths, on nomination of the President, appoint a canvassing committee, consisting of one Senator from each county, to join such committee as the House of Representatives may appoint, whose duty shall be to receive, sort, and count, the votes for Governor, Lieutenant Governor, and Treasurer, and make report thereof to the joint assembly of both houses.

2. The Senate shall meet every day (Sundays excepted) at 9 o'clock in the morning, and 2 o'clock in the afternoon, unless otherwise specially ordered.

3. The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, and all errors therein corrected.

4. In case no quorum shall assemble, within fifteen minutes after the time to which the Senate was adjourned, those present shall have power to send the Sergeant-at-Arms, or other officer, after the absentees, and compel their attendance.

5. Whenever the Senate shall assemble, according to adjournment, or at the commencement of a session, and the President shall be absent, it shall be the duty of the Secretary, if present, if not, of a Senator, to call to order; and the Senators present, if a quorum, shall, by ballot, elect a President pro tempore.

6. No Senator shall be absent without leave, unless he is sick, or otherwise necessarily detained.

7. No Senator shall audibly speak to another, or otherwise interrupt the business of the Senate, while the journals or other public papers are being read, or while a Senator is orderly speaking in debate.

8. Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished, shall sit down.

9. No Senator shall speak more than twice on the same question, without leave of the Senate; and Senators who have once spoken, shall not again be entitled to the floor, (except for the purpose of explanation,) to the exclusion of another who has not spoken.

10. In all cases, the Senator first arising and addressing the President, (subject to the restriction of rule 9,) shall be entitled to the floor, and when two or more arise at the same time, the President shall name the one who is to speak.

11. When a Senator shall be called to order, he shall sit down, and every question of order shall be decided by the President without debate, subject to an appeal to the Senate.

12. If a Senator be called to order for the words spoken, the exceptionable words shall be immediately taken down in writing by the Senator calling to order, that the President may be better enabled to judge of the matter.

13. The first hour of each morning's sitting may be devoted to the reception and disposal of petitions, memorials, remonstrances, motions, resolutions, and the introduction of bills; after which, the orders of the day,

or other proper business, shall be announced, always commencing with the unfinished business of the last sitting. The first hour of the afternoon's sitting may be occupied in the receiving and disposing of reports of committees, and in completing the business of the morning hour; at the expiration of which, the Senate will again take up the orders of the day.

14. Reports of committees may be signed by any member in behalf of the committee, and shall be by him presented to the Senate, when a call for reports is made. The signer of each report shall be held responsible for the accuracy of its statements and the propriety of its language, and when the same shall be under consideration, he shall be further liable to give additional statements of facts, or other explanations, in answer to the call of any Senator.

15. The proceedings of the Senate, except when acting as in Committee of the Whole, embracing the titles of bills, and such parts thereof as may be affected by proposed amendments, and also the names of Senators, and the votes which they give on every question decided by yeas and nays, shall be by the Secretary accurately and concisely inserted in the journals.

16. The Senate shall, annually, within the first four days of actual sitting, elect by ballot (and a majority of all present shall be necessary to a choice,) a Secretary and an Assistant Secretary, who shall be *ex-officio* Engraving Clerk, who shall severally be sworn to the faithful discharge of their duties, and shall hold said offices until superceded by a new election. The Senate shall, also, within the same time, elect the following Standing Committees, to consist of three members each, to wit: On Finance,—on the Judiciary,—on Claims,—on Education,—on Agriculture,—on Manufactures,—on Elections,—on Rules,—on Military Affairs,—on Roads and Canals,—on Banks, and on Land Taxes.

17. In the appointment of standing committees, (except the one mentioned in rule 1,) the Senate will proceed, by ballot, severally to appoint the chairman of each, and then, by one ballot, the other members necessary to complete the same. In the election of a chairman, a majority of the votes given shall be necessary, but for the others, a plurality shall be sufficient. All select committees shall be appointed by the President, unless otherwise ordered by the Senate.

18. All bills, after the second reading, and all petitions, memorials, remonstrances, resolutions, and other papers calling for legislative action, (except such as have been reported by a committee,) no objection being made, shall be referred by the President to appropriate committees.

19. Before any resolution, any petition, or other paper addressed to the Senate, shall be received and read, whether the same shall be introduced by the President or a Senator, the title shall be fairly endorsed thereon; and a brief statement of its object or contents shall be made by the introducer.

20. Every motion shall be reduced to writing by the mover, if required thereto by the President or a Senator, and a motion to lay another motion, the latter not being in writing, on the table, or otherwise to dispose of it, shall not be in order.

21. Every bill shall receive three readings before it is passed; the President shall give notice at each reading whether it be the first, second, or third; the last of which readings of public bills shall be at least twenty-four hours after the first reading, unless the Senate unanimously direct otherwise. *Provided*, That private bills shall be read the second time by their title. Resolutions, requiring the approbation and signature of the Governor, shall be treated in all respects as bills.

22. On the demand of a Senator, public bills, after a second reading, shall be considered by the Senate as in committee of the whole.

23. The final question, upon the second reading of every bill which originated in the Senate, shall be, "Shall this bill be engrossed and read a third time?" No amendment shall be received at the third reading, but it may be committed for amendment at any time before its final passage.

24. Motions on bills and resolutions shall be sustained in the following order: 1. To postpone indefinitely. 2. To lay upon the table. 3. To commit. 4. To amend.

25. A call for the previous question shall not at any time be in order. A motion to adjourn shall always be in order, and shall be decided without debate.

26. If the question in debate contain several points, the same shall be divided, on the demand of a Senator. A motion to strike out and insert shall not be divided, but the rejection of a motion to strike out and insert one proposition shall not preclude a motion to strike out and insert a different one, or a motion simply to strike out; nor shall the rejection of a motion simply to strike out, prevent a subsequent one to strike out and insert.

27. In filling blanks, the largest sum and the longest time shall be first in order.

28. When the reading of a paper is called for, and the same is objected to by a Senator, the question shall be determined by a vote of the Senate.

29. The yeas and nays shall be taken, on the call of a Senator, and every Senator present shall vote, unless excused by the Senate; but no Senator shall be compelled to vote, who was absent when the question was stated by the President, nor shall any one be permitted to vote, who was absent when his name was called, nor after the decision of the question has been announced from the chair.

30. No Senator in the minority, nor one who did not vote on the decision of a question, shall have a right to move a reconsideration thereof; nor shall any motion for reconsideration be in order, unless made before the close of the next day of actual sitting of the Senate after that in which the vote was taken, and before the bill, resolution, report, amendment, address, or motion, upon which the vote was taken, shall, in the regular progress of business, have gone out of the possession of the Senate.

31. On all questions, in the decision of which a simple majority is required, when the Senate is equally divided, the Secretary shall take the casting vote of the President. In all such cases, a motion for reconsideration, if made in time, shall be in order from any Senator who voted on the question.

32. The President shall have the right to call upon any Senator to discharge the duties of the chair, whenever he shall find it necessary, temporarily, to retire; but such substitution shall not extend beyond more than one adjournment.

33. The Senate, having taken a final vote on any question, the same shall not again be in order during the same session, in any form whatever, except by way of reconsideration; and when a motion for reconsideration has been decided, that decision shall not be reconsidered.

34. No proposition to amend the rules of the Senate, or the joint rules of both houses, shall be acted on, until the same shall have been before the Senate at least twenty-four hours.

35. Messages shall be sent to the House of Representatives by the Secretary or Assistant Secretary.

36. Reporters may be placed on the floor of the Senate, under the direction of the Secretary, with the approbation of the President.

37. No persons shall be admitted within the lobby of the Senate chamber, except the Governor, Treasurer of the State, Auditor of accounts, members of the other house, Judges of the Supreme Court, Senators and Representatives in Congress, Ex-Governors and Lieutenant Governors, Ex-Judges of the Supreme Court, Ex-Senators and Representatives in Congress, District Judge and Attorney of the United States, members of other State Legislatures, and such gentlemen and ladies as the President or a Senator may introduce.

38. When in session, the senators shall sit with their heads uncovered.

39. Upon any disorderly conduct in the gallery, the President may order the same to be cleared.

40. Whenever a bill or resolution is laid on the table, by order of the Senate, and shall have remained on the table twenty-four hours, it shall be subject to be taken up by the chair, and presented for the consideration of the Senate, without a call or order on the subject.

41. There shall be one door-keeper and one assistant door-keeper of the Senate; and the President may employ a boy to attend in the Senate chamber.

The following resolution from the House of Representatives was taken under consideration by the Senate :

*Resolved*, by the Senate and House of Representatives, That both houses meet in joint assembly, on Tuesday next, at three o'clock in the afternoon, for the purpose of electing commissioners of the deaf and dumb, and a superintendant of the Vermont state prison, for the year ensuing.

Mr. Clark moved to amend said resolution, by inserting the words "and blind," after the word "dumb," which amendment was concurred in.

The said said resolution, as amended, was then read and passed.

A resolution from the House of Representatives :

*Resolved*, by the Senate and House of Representatives, That both houses meet in joint assembly, on Saturday next, at three o'clock in the afternoon, for the purpose of electing judges of the supreme court for the year ensuing.

Mr. Miner moved to amend said resolution by striking out the words "Saturday next, at three o'clock in the afternoon," and inserting the words "Tuesday next, at 10 o'clock in the forenoon," which amendment was concurred in.

And the resolution, as amended, was read and passed.

A Resolution from the House of Representatives :

*Resolved*, by the Senate and House of Representatives, That both houses meet in joint assembly, on Wednesday next, at ten o'clock, A. M., for the purpose of electing a Secretary of State for the year ensuing.

On motion of Mr. Eaton of Franklin,

*Ordered*, That said resolution be laid on the table.

On motion of Mr. Clark,

The Senate took under consideration a resolution introduced by him this morning, for a joint assembly to elect a reporter of the decisions of the supreme court.

Which was read and passed.

On motion of Mr. Miner,  
*Ordered*, That when the Senate adjourn, it adjourn to meet on Monday next, at ten o'clock in the forenoon.

(S. L.) Mr. Foster introduced a bill entitled "an act to authorize the business of banking;"

Which was read the first and second time and referred to the committee on banks.

A message from the House of Representatives, by Mr. Merrill, their clerk:

MR. PRESIDENT: The House, on their part, have appointed a committee to join the committee of the Senate, to canvass the votes for members of Congress.

The Senate adjourned.

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MONDAY, OCT. 12, 1840.

Mr. Miner moved that the committee appointed to canvass votes for members of Congress have leave to sit during the session of the Senate.  
Which motion was agreed to.

Mr. Palmer introduced the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of enacting a law making town grand jurors informing officers, in the county where they reside, in all cases which exceed the jurisdiction of justices, to hear, try and determine.

Which resolution was read and passed.

Mr. Swift presented a petition from John M. Potter, for remuneration for military services, at the execution of A. L. Bates,  
Which was referred to the committee on Finance.

Mr. Dana introduced the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the sixty-third section, twenty-eighth chapter of the Revised Statutes, as to allow the plaintiff to file the affidavit therein contemplated, when he has good reason to believe, and does believe, that the defendant has secreted about his person, or elsewhere, money or other property, although he may not believe that such defendant intends to abscond.

Which was read and passed.

Mr. Wooster presented the petition of Zacheus Baas and others, praying for the enactment of a law to prevent shooting and spearing, and

catching by seine, fish in Otter Creek and its tributaries, in Addison county;

Which was referred, on motion of Mr. Wooster, to a committee of two Senators from Addison county.

The President appointed Mr. Wooster and Mr. Chipman as said committee.

Mr. Wooster introduced the following resolution:

*Resolved*, That the Judiciary committee be instructed to enquire into the expediency of the passage of a law enacting, that when the goods, wares and merchandize of any merchant, or manufacturer, are attached by any creditor, he, the said attaching creditor, shall hold the same, subject to the claims of other creditors of such debtors.

Which resolution was read and passed.

Mr. Eaton of Franklin, introduced the following resolution:

*Resolved*, That so much of His Excellency's message as relates to the subject of a geological survey of the state, be referred to the committee on Agriculture.

(S. 2.) Mr. Butler introduced a bill entitled "an act to prevent fraudulent attachment;"

Which was read the first and second time, and referred to the committee on the Judiciary.

(S. 4.) Mr. Butler also introduced a bill entitled "an act extending the jurisdiction of constables;"

Which was read the first and second time, and referred to the committee on the Judiciary.

Mr. Butler introduced the following resolution:

*Resolved*, That the Judiciary committee be instructed to enquire into the expediency of altering the laws of this state, so as to require the several towns to hold their annual meetings for the election of town officers, in the month of November, and report by bill or otherwise.

Which resolution was read and passed.

(S. 3.) Mr. Crawford introduced a bill entitled "an act to provide for surveying and ascertaining the boundary line between the counties of Bennington and Windham;"

Which was read the first and second time, and, on motion of Mr. Crawford, referred to a select committee consisting of one Senator from each of said counties.

The President appointed Mr. Crawford and Mr. Swift, as said committee.

Mr. Crawford presented the petition of Phineas White and others, praying for an academy at Putney;

Which was referred to the committee on Education.

Mr. Morse introduced the following resolution:

*Resolved*, That the committee on Education be instructed to enquire into the expediency of dividing among the several academies, seminaries and colleges in this state, the interest yearly accruing from the state school fund.

Which resolution was read and passed.

Mr. Bates introduced the following resolution :

*Resolved*, That the committee on Education be instructed to enquire into the expediency of providing by law, for the distribution of the interest arising from the state school fund annually among the several towns of the state, for the support of common schools.

Which resolution was read and passed.

Mr. Bottum introduced the following resolution :

*Resolved*, That so much of His Excellency's message as relates to the New Jersey election, be referred to a select committee of three Senators.

Which resolution was read and passed.

The President appointed Mr. Bottum, Mr. Miner, and Mr. Eaton of Washington, as said committee.

Mr. Bates moved a reconsideration of the foregoing resolution of Mr. Bottum.

Which motion was lost.

On motion of Mr. Short,  
The Senate adjourned.

AFTERNOON.

Mr. Butler introduced the following resolution :

*Resolved*, That the Judiciary committee be instructed to enquire into the expediency of providing by law, for paying constables for returning votes for Senators and electors of President and Vice President, to their several county clerks, and report by bill or otherwise.

Which resolution was read and passed.

Mr. Dana introduced the following resolution :

*Resolved*, That so much of His Excellency's message as relates to the state prison, be referred to the committee on Finance ; so much as relates to the subject of banks, to the committee on Banks ; so much as relates to schools and the application of the school fund, to the committee on Education ; so much as relates the remission of fines imposed by the county courts, and so much as relates to the delivery of offenders to the executive of other states, to the Judiciary committee.

Which resolution was read and passed.

On motion of Mr. Adams,

The committee on Finance were discharged from the consideration of the petition of John M. Potter,

And the said petition was referred to the committee on Claims.

A message from the House of Representatives, by Mr. Merrill, their clerk :

MR. PRESIDENT: The House of Representatives concur with the Sen-



ate in passing a resolution for a joint assembly, for the election of a reporter of the decisions of the supreme court.

The House of Representatives also concur with the Senate in their amendment of the resolution for a joint assembly for the election of commissioners of the deaf and dumb, and of a superintendent of the state prison; also, in the amendment of the Senate of the resolution for a joint assembly for the election of judges of the supreme court.

On motion of Mr. Eaton of Franklin,  
The Senate adjourned.

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TUESDAY, OCT. 13, 1840.

Mr. Miner, from the committee on Rules, reported the following

**JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.**

1. A joint assembly shall be formed by a union of the Senate and House of Representatives, in the hall of the latter, for the purpose of electing certain State and County Officers, in which the Secretary of State, or in his absence the Secretary of the Senate, shall officiate as Clerk. It shall be formed only at such time, and for such specific purpose, as may be expressed in a concurrent resolution of both Houses; and may adjourn from time to time during the sitting of the General Assembly.

2. The proceedings of every joint assembly, including the resolutions ordering the same, shall be recorded in a book kept for that purpose, which shall be preserved in the office of the Secretary of State, a copy of which shall be furnished to the Governor by the Secretary of State, but shall not be reported to the Senate or House of Representatives, or published with their journals, unless especially so ordered.

3. Previous to the meeting of any joint assembly, for the purpose of electing county officers, the members of the Senate and House of Representatives, from the several counties, shall convene in county conventions, and make a nomination, for all the officers to be elected in their respective counties, and present the same for the consideration of the joint assembly; and no nomination of any county officers shall be finally acted on by the joint assembly, until the same shall have been submitted to the county convention.

4. The rules of the Senate, so far as applicable, shall be observed in regulating the proceedings of every joint assembly.

5. The committees of the Senate and House of Representatives, to whom the same subject matters shall have been referred, may, for the purpose of facilitating business, meet together as a joint committee, and make a joint or separate report to either or both Houses, as they may think expedient.

6. In every case of a disagreement between the Senate and House of Representatives, if either shall request a conference, and appoint a committee for that purpose, and the other house shall also appoint a committee on its part, such committees shall meet, at a convenient hour, to be agreed upon by their chairmen, in the conference room, and state to each other, verbally or in writing, the reasons of each house for its vote on the subject matter of disagreement, confer freely thereon, and make report of their doings to their respective houses, as soon as may be.

7. Committees of conference shall consist of an equal number from each house, and shall return the papers referred to them to that house which last voted upon the subject matter of disagreement.

8. When bills are on their passage between the two houses, they shall be under the signature of the Secretary or Clerk of each house respectively.

9. After bills have passed both houses, and a certificate showing the one in which they respectively originated has been duly endorsed thereon, they shall be delivered to a joint standing committee of two Senators and two members of the House of Representatives, to be designated the Committee on Bills, who shall make careful examination, and see that they are correctly engrossed, and when satisfied of their accuracy, shall present them, first to the Speaker of the House of Representatives, and then to the President of the Senate, for their official signatures, and having obtained them, they shall forthwith deliver them to the Governor for his approbation, and shall make true report to both houses of the day on which each bill was so delivered to the Governor, which shall be duly entered upon the journal of each house.

10. When a bill or resolution, which shall have passed one house, is rejected in the other, notice thereof shall be given to the house in which the same shall have passed; and all such rejected bills or resolutions, with the accompanying papers, shall be returned to, and left in custody of, the house which first acted upon them.

11. Each house shall transmit to the other all papers on which any bill or resolution shall be founded; and should such bills or resolutions pass both houses, the same papers shall be delivered to the Governor.

12. After each house shall have adhered to the vote of disagreement, a bill or resolution shall be lost.

13. No bill, which shall have passed one house, shall be sent for concurrence to the other, on either of the two last days of the session.

Which were adopted.

(S. 5.) Mr. Clark introduced a bill entitled "an act in addition to, and in alteration of, an act entitled 'an act regulating and governing the militia of this state;'"

Which was read the first and second times, and referred to the committee on Military Affairs.

Mr. Dean introduced the following resolution:

*Resolved*, That the committee on Roads and Canals be instructed to inquire into the expediency of so amending the laws of this state, relating to the indictment of any town for bad roads or bridges, that it shall be necessary to give information to the selectmen of the town, of the state of the roads or bridges, and that a reasonable time may be allowed for making repairs, before such town shall be liable to costs and prosecution for the same.

Which resolution was read and passed.

(S. 6.) Mr. Norton introduced a bill entitled "of the General List;"

Which was read the first and second times and referred to the committee on Finance.

(S. 7.) Mr. Butler introduced a bill entitled "an act relating to the punishment of capital crimes;"

Which was read the first and second time, and referred to the committee on the Judiciary.

On motion, the committee on the Judiciary were discharged from the consideration of the bill introduced by Mr. Butler, entitled "an act relating to the punishment of capital crimes,"

And the same was referred to a select committee of three Senators.

The President appointed Mr. Butler, Mr. Waterman and Mr. Bates, as such committee.

The following communication was received from His Excellency, the Governor:

*To the Senate:*

I herewith transmit copies of the report of the Bank Commissioners, and of the Auditor's abstract of accounts, allowed against the State; and have the honor to inform the Senate, that I have, this day, communicated to the House of Representatives, for the use of the General Assembly, the original reports of the Auditor in the Treasury Department; also, his report of the condition of the State School Fund; the report of the Quarter-Master-General; of the Adjutant and Inspector-General; of the Superintendent of the State Prison; of the committee appointed to contract for the labor of the convicts in the State Prison; of the Commissioners of the Deaf, and Dumb, and Blind; of the Trustees of the Vermont Asylum for the Insane, and the report of the committee on the Revised Statutes.

I also communicate to the Senate, for the use of the General Assembly, the several resolutions from our neighboring states, referred to in my annual message of the tenth instant, together with sundry other documents that have been received, with a request that the same might be laid before the General Assembly.

S. H. JENISON.

Executive Chamber, }  
Oct. 13th, 1840. }

The documents accompanying the foregoing communications were severally referred as follows:

The report of the bank commissioners to the committee on Banks: and the abstract of the auditor of accounts against the state, to the committee on Finance:

The resolutions from the General Assembly of the state of Maine, and of the state of Indiana, relative to the North Eastern Boundary question, to Mr. Miner, Mr. Short, and Mr. Wooster:

The resolutions from the General Assembly of the states of New York, Connecticut and Kentucky, relative to the public lands, to a select committee consisting of Mr. Dana, Mr. Harvey and Mr. Wheelock:

The resolutions from the General Assembly of the state of North Car-

olina, the remonstrance from the citizens of the District of Columbia, and the resolutions and address from the citizens of Georgetown, D. C. relating to the General Government, referred to Mr. Clark, Mr. Wheelock and Mr. Butler.

Mr. Adams introduced the following resolution:

*Resolved*, That so much of the Governor's message of the 10th instant, as relates to the action of the House of Representatives of the United States, at their last session, whereby five of the returned members of that House, from the state of New Jersey, were unjustly deprived of their seats; with the resolutions of the legislature of the state of New Jersey, this day communicated to the Senate, by His Excellency the Governor, be referred to the committee heretofore appointed, on the resolution of the Senator from Addison, touching the case of the New Jersey election.

Which resolution was read and passed.

The Senate adjourned.

#### AFTERNOON.

Mr. Wooster introduced the following resolution:

*Resolved*, That the Judiciary committee be instructed to enquire into the expediency of passing a law to prevent vagrancy in the state of Vermont.

Which was read and passed.

(S. 8.) Mr. Wooster, from the committee appointed on the petition of Zaccheus Bass and others, reported a bill entitled "an act to preserve fish in Otter Creek;"

Which was read the first and second times, and

On motion of Mr. Eaton of Franklin,

*Ordered*, That said bill be laid on the table.

A message from the House of Representatives, by Mr. Washburn, the assistant clerk:

MR. PRESIDENT: The House have passed a bill entitled "an act in addition to an act, entitled 'an act to incorporate the Goshen Turnpike Company,'" in which they ask the concurrence of the Senate.

Mr. Butler introduced the following resolution:

*Resolved*, That the committee on Elections be instructed to inquire whether any member of the Senate is now holding an office of profit or trust, under the authority of Congress.

Which resolution was read and passed.

(S. 9.) Mr. Morse introduced a bill entitled "an act to prevent damage

which may be occasioned by lumber, to owners of land lying on and adjoining Connecticut River;

Which was read the first and second time, and,

On motion of Mr. Short,

Referred to a select committee of three Senators.

The President appointed Mr. Morse, Mr. Short and Mr. Townsley, as such committee.

Mr. Butler introduced the following resolution:

*Resolved*, That the committee on Roads and Canals be instructed to inquire into the expediency of reducing the toll on the Winooski Turnpike, and report by bill or otherwise.

Which was read and passed.

A message from the House, by Mr. Merrill, their clerk:

MR. PRESIDENT: The House have, on their part, adopted the Joint Rules, reported by the joint committee of the two houses.

The House have also passed a resolution for a joint assembly for the election of an auditor in the treasury department, in which they ask the concurrence of the Senate.

A resolution from the House of Representatives:

*Resolved*, by the Senate and House of Representatives, That both Houses will meet in joint assembly, on Thursday next, at ten o'clock, A. M., for the purpose of electing an auditor in the treasury department.

The resolution having been read,

Mr. Miner proposed to amend the same, by adding after the word "department," the following words: "a bank commissioner and bank committee."

Which amendment was adopted.

And the resolution, as amended, was passed.

On motion of Mr. Clark,

The Senate adjourned.

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WEDNESDAY, OCT. 14, 1840.

A message from the House of Representatives, by Mr. Washburn, the assistant clerk:

MR. PRESIDENT: The House concur in the amendment proposed by the Senate to the resolution for a joint assembly for electing an auditor in the treasury department.

They have also passed a resolution for a joint assembly for electing an auditor of accounts against the state, and a sergeant-at-arms for the year ensuing, in which they ask the concurrence of the Senate.

A resolution from the House of Representatives :

*Resolved*, by the Senate and House of Representatives, That both houses meet in joint assembly, on Thursday next, at ten o'clock, A. M., for the purpose of electing an auditor of accounts against the state, and a sergeant-at-arms for the ensuing year.

The resolution having been read, was passed.

(S. 10.) Mr. Marsh introduced a bill entitled "an act relating to the grand list;"

Which was read the first and second times, and referred to the committee on Finance.

(S. 11.) Mr. Wooster, from the committee on the Judiciary, reported a bill entitled "an act to amend the sixty-third chapter of the Revised Statutes;"

Which was read the first and second times, and,

On motion of Mr. Butler,

*Ordered*, That the said bill be laid on the table.

(S. 12.) Mr. Wooster, from the committee on the Judiciary, reported a bill entitled "an act for paying constables for returning votes for state Senators, and for Electors of President and Vice President;"

Which was read the first and second times, and

Mr. Marsh moved to lay it on the table.

The motion was lost, and

On motion of Mr. Miner,

*Ordered*, That said bill be recommitted.

(S. 2.) Mr. Miner, from the committee on the Judiciary, reported the bill entitled "an act to prevent fraudulent attachments;"

Which was ordered to be engrossed and read the third time.

(S. 13.) Mr. Howe introduced a bill entitled, "an act altering the name of Emily A. Phelps;"

Which was read the first and second times, and

On motion of Mr. Howe,

Referred to a select committee of three.

The President appointed Mr. Howe, Mr. Dean, and Mr. Foster, as said committee.

Mr. Townsley introduced the following resolution:

*Resolved*, That the committee on Military Affairs be instructed to inquire into the expediency of reporting the law, organization and regulations of the militia of 1817, as a substitute for the militia law now in force.

Which was read and passed.

(S. 8.) Mr. Wooster called up the bill entitled "an act to preserve fish in Otter Creek."

The question, Shall the bill be read the third time? being taken, it was decided in the negative.

So the bill was rejected.

On motion of Mr. Short,

The Senate adjourned.

## AFTERNOON.

Mr. Wooster introduced the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of passing a law making it the duty of the superintendent of the state prison, and other state officers, whose duty it is to report to the Governor, to report to the same, on or before the first day of October, in each year.

Which resolution was read and passed.

A message from the House of Representatives, by Mr. Washburn, the assistant clerk:

MR. PRESIDENT: The House have passed a bill entitled "an act reviving an act laying a tax on the lands in Granby," in which they ask the concurrence of the Senate.

(H. 9.) Mr. Bottum, from the committee on Roads and Canals, to whom was referred the bill from the House of Representatives, entitled "an act in addition to an act entitled 'an act to incorporate the Goshen Turnpike Company,'" reported the same without amendment, and it was read the third time and passed.

(H. 5.) The bill from the House of Representatives, entitled "an act reviving an act laying a tax on the lands in Granby,"

Was read the first and second times, and referred to the committee on Land Taxes.

The Senate took up the resolution from the House of Representatives, stated on the journal of Saturday, October tenth, relative to the election of a Secretary of State for the year ensuing, and,

On motion of Mr. Miner,

The resolution was amended by striking out the word "Wednesday," and inserting "Saturday."

And the resolution as amended was passed.

The Senate adjourned.

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THURSDAY, OCT. 15, 1840.

Mr. Wooster introduced the following resolution:

*Resolved*, That the committee on Finance be instructed to inquire into

the expediency of passing a law by which wood and timber land may be inserted in the Grand List of the owner, and taxed as other lands.

Which resolution was read and passed.

Mr. Norton introduced the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending chapter twenty-nine of the Revised Statutes, as to enlarge the jurisdiction of Justices.

Which resolution was read and passed.

(S. 2.) The bill entitled "an act to prevent fraudulent attachments," was taken up by the Senate, read the third time, and

On motion of Mr. Wooster,

Laid upon the table.

(S. 9.) Mr. Morse from the committee to whom was referred the bill entitled "an act to prevent damage which may be occasioned by lumber, to owners of land lying on and adjoining Connecticut River," reported the same without amendment.

*Ordered*, To be engrossed and read the third time.

Mr. Short, from the committee on the Judiciary, to whom was referred the resolution relative to extending the jurisdiction of grand jurors, reported that, in the opinion of the committee, no legislation is necessary thereon.

(S. 3.) Mr. Crawford, from the committee to whom was referred the bill entitled "an act to provide for surveying and ascertaining the boundary line between the counties of Bennington and Windham," reported the same with an amendment, and it was

*Ordered*, To be engrossed and read the third time.

(S. 4.) Mr. Miner, from the committee on the Judiciary, to whom was referred the bill entitled "an act extending the jurisdiction of constables," reported the same without amendment, with the opinion of the committee adverse to the passage of the bill.

On motion of Mr. Butler,

*Ordered*, That the said bill be laid on the table.

The Senate adjourned.

#### AFTERNOON.

A message from the House of Representatives, by Mr. Washburn, their assistant clerk:

MR. PRESIDENT: The House concur with the Senate in their amendment to the resolution for a joint assembly, for the purpose of electing a Secretary of State for the year ensuing.



The House have passed bills of the following titles, in which they ask the concurrence of the Senate:

(H. 16.) "An act altering the boundary line between Salisbury and Leicester,"

(H. 8.) "An act to amend an act entitled 'an act to incorporate the Windsor County Mutual Fire Insurance Company;'" and

(H. 2.) "An act granting to David H. Sumner the right of a toll bridge."

The said bills from the House of Representatives, were severally read the first and second times, and ordered as follows:

(H. 2.) An act granting to David H. Sumner the right of a toll bridge," to the committee on Roads and Canals:

(H. 8.) "An act to amend an act entitled 'an act to incorporate the Windsor County Mutual Fire Insurance Company,'" to the committee on the Judiciary, and

(H. 16.) "An act altering the boundary line between Salisbury and Leicester," to a select committee of two.

The President appointed Mr. Wooster and Mr. Bottum as said committee.

On motion of Mr. Palmer,  
The Senate adjourned.

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FRIDAY, OCT. 16, 1840.

Mr. Gilson introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That the Senators in Congress from this state be, and they hereby are, instructed, and our representatives in Congress be, and hereby are, requested, to use their best endeavors to procure such an amendment to the Constitution of the United States as will restrict the eligibility of the President of the United States to a single term of six years.

*Resolved*, That the Governor be requested to forward a copy of the foregoing resolution to each of the Senators and Representatives from this state in the Congress of the United States; also to the Executive of each state in the Union, that the same may be laid before their several legislatures, for their co-operation in procuring said amendment.

Which resolutions were read and laid on the table, and made the order of the day for to-morrow morning.

(H. 16.) Mr. Wooster, from the committee to whom was referred the bill entitled "an act altering the boundary line between Salisbury and Leicester," reported the same without amendment.

And it was read the third time and passed.

(S. 14.) Mr. Palmer introduced a bill entitled "an act relating to jurors' fees."

Which was read the first and second times and referred to the committee on the Judiciary.

Mr. Swift presented the petition of Nathan L. Cross and others, for an extension of the charter of the Bank of Bennington,  
Which was referred to the committee on Banks.

A message from the House of Representatives, by Mr. Washburn, their assistant clerk:

MR. PRESIDENT: The House have passed a bill entitled "an act to discontinue the North Mountain Road, in Chittenden," in which they ask the concurrence of the Senate.

(H. 32.) The bill from the House of Representatives, entitled "an act to discontinue the North Mountain Road in Chittenden," was taken up by the Senate, read the first and second times, and referred to the committee on Roads and Canals.

(S. 3.) The engrossed bill entitled "an act to provide for surveying and ascertaining the boundary line between Bennington and Windham counties," was taken up by the Senate and read the third time and passed.

(S. 9.) The engrossed bill, entitled "an act to prevent damage which may be occasioned by lumber, to owners of land lying on and adjoining Connecticut River," was read the third time, and,

On motion of Mr. Foster,  
Laid on the table.

Mr. Miner, from the committee on the Judiciary, to whom was referred the resolution relative to the attached property of debtors, reported that no legislation is, in the opinion of the committee, deemed expedient.

On motion of Mr. Wooster,  
The said resolution and report were laid on the table.

Mr. Miner, from the same committee, to whom was referred the resolution relative to the jurisdiction of justices, reported adversely to any legislative action on said resolution.

Mr. Norton moved to recommit the said resolution, with instructions to the committee to report a bill, and on the question, Shall the resolution be recommitted with instructions? the yeas and nays, having been demanded by Mr. Foster, were as follows:

Those Senators who voted in the affirmative, are,  
Messrs. Bates, Bemis, Dana, Foster and Norton.—5.

Those Senators who voted in the negative, are,  
Messrs. Adams, Bottum, Butler, Chipman, Clark, Crawford, Dean, Eaton of Franklin, Eaton of Washington, Gilson, Harvey, Howe, Marsh, Miner, Morse, Palmer, Russell, Short, Swift, Townsley, Waterman, Wheatley, Wheelock and Wooster.—24.

So the motion was lost.

(S. 13.) Mr. Howe, from the committee to whom was referred the bill entitled "an act altering the name of Emily A. Phelps," reported the same without amendment, and it was laid upon the table.

(S. 2.) Mr. Wooster called up the engrossed bill, entitled "an act to prevent fraudulent attachments," and moved that the same be indefinitely postponed.

And on the question, Shall the further consideration of the bill be indefinitely postponed? the yeas and nays, having been demanded by Mr. Butler, were as follows:

Those Senators who voted in the affirmative, are

Messrs. Adams, Bottum, Chipman, Clark, Dana, Eaton of Franklin, Fletcher, Harvey, Howe, Marsh, Morse, Norton, Palmer, Short, Swift, Townsley, Waterman, Wheatley and Wooster—19.

Those Senators who voted in the negative, are

Messrs. Bates, Bemis, Butler, Crawford, Dean, Eaton of Washington, Foster, Gilson, Miner, Russell, Wheelock—11.

So the motion was decided in the affirmative.

(S. 7.) Mr. Butler, from the committee to whom was referred the bill, entitled "an act relating to the punishment of capital crimes," reported the same without amendment, and on his motion, it was laid upon the table.

(H. 5.) Mr. Marsh, from the committee on Roads and Canals, to whom was referred the bill from the House of Representatives, entitled "an act reviving an act laying a tax on the lands in Granby," reported the same without amendment, and it was read the third time and passed.

(S. 15.) Mr. Butler introduced a bill entitled "an act repealing section twelve, chapter ninety-nine, of the Revised Statutes;"

Which was read the first and second times, and referred to the committee on the Judiciary.

The Senate adjourned.

#### AFTERNOON.

(H. 32.) Mr. Bottum, from the committee on Roads and Canals, to whom was referred the bill from the House of Representatives entitled "an act to discontinue the North Mountain Road, in Chittenden," reported the same without amendment, and,

On motion of Mr. Miner,

It was laid on the table.

(S. 9.) Mr. Crawford called up the engrossed bill entitled "an act to prevent damage which may be occasioned by lumber, to owners of land lying on and adjoining Connecticut River," and it was passed.

A message from the House of Representatives, by Mr. Washburn, their assistant clerk:

MR. PRESIDENT: The House have passed the following bills, in which they ask the concurrence of the Senate:

(H. 18.) "An act to incorporate the Phillips Academy;"

(H. 15.) "An act providing a compensation for returning the votes for Senators, for Electors, and for Representatives to Congress, to the county clerks;"

(H. 33.) "An act to annex Acton, in the county of Windham, to Townshend, in said county."

The said bills from the House of Representatives, were severally read the first and second times, and referred as follows:

(H. 18.) The "act to incorporate the Phillips Academy," to the committee on Education;

(H. 15.) The "act providing a compensation for returning the votes for Senators, for Electors, and for Representatives to Congress, to the county Clerks," to the committee on Elections; and

(H. 33.) The "act to annex Acton, in the county of Windham, to Townshend, in said county," to the committee on the Judiciary.

A preamble and resolutions from the "Addison County Baptist Association," were read, and,

On motion of Mr. Short,

Referred to a select committee of three.

On motion of Mr. Morse,

The Senate adjourned.

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SATURDAY, OCT. 17, 1840.

Mr. Dana introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That the General Assembly adjourn on Friday next at five o'clock, A. M. without day.

Which resolution was read and laid on the table.

(S. 10.) Mr. Adams from the committee on Finance, to whom was referred the bill, entitled "an act relating to the Grand List," reported the same without amendment, and it was

*Ordered*, To be engrossed and read the third time.

(S. 15.) Mr. Miner, from the committee on the Judiciary, to whom was referred the bill entitled "an act repealing section No. 12 in Chapter 99 of the Revised Statutes," and the bill (S. 14,) entitled "an act relating to jurors' fees," reported the opinion of the committee to be adverse to the passage of the same.

(S. 14.) The said bill, entitled "an act relating to jurors' fees," was,

On motion of Mr. Palmer,

Laid on the table.

(S. 15.) The said bill, entitled "an act repealing section No. 12 in Chapter 99 of the Revised Statutes," was taken up by the Senate, and, on the question, shall the bill be engrossed and read the third time? the yeas and nays having been demanded by Mr. Butler, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Bates, Butler, Crawford, Eaton of Washington, Morse, Waterman and Wheatley—7.

Those Senators who voted in the negative, are:

Messrs. Bottum, Chipman, Clark, Dana, Dean, Eaton of Franklin, Fletcher, Foster, Gilson, Howe, Marsh, Miner, Norton, Palmer, Russell, Short, Swift, Townsley, Wheelock and Wooster—20.

So the question was decided in the negative.

(H. 8.) Mr. Miner, from the committee on the Judiciary, to whom was referred the bill from the House of Representatives, entitled "an act to amend an act entitled 'an act to incorporate the Windsor County Fire Insurance Company,'" reported the same without amendment, and

It was read the third time and passed.

(H. 2.) Mr. Bottum, from the committee on Roads and Canals, to whom was referred the bill from the House of Representatives, entitled "an act granting to David H. Sumner the right of a toll bridge," reported the same without amendment, and

It was laid on the table.

(S. 1.) Mr. Townsley, from the committee on Banks, to whom was referred the bill entitled "an act to authorize the business of banking," reported the same, with the opinion of the committee that no legislation is at present expedient thereon.

On motion of Mr. Marsh,

The said bill, and the report, were laid on the table.

(H. 32.) Mr. Dana called up the bill entitled "an act to discontinue the North Mountain Road, in Chittenden," and

On motion of Mr. Eaton of Franklin,

It was recommitted, with instructions to report facts.

The President announced the appointment of Mr. Short, Mr. Chipman and Mr. Bates, as the committee on the "preamble and resolutions of the Addison County Baptist Association."

(S. 16.) Mr. Butler introduced a bill entitled "an act relating to costs," which was read the first and second times, and referred to the committee on the Judiciary."

(S. 4.) The Senate resumed the consideration of the bill entitled "an act extending the jurisdiction of constables," and

On motion of Mr. Eaton of Franklin,

The said bill was indefinitely postponed.

(S. 11.) The Senate resumed the consideration of the bill entitled "an act to amend the 63d section of the 28th Chapter of the Revised Statutes," and

On motion of Mr. Butler,

It was recommitted.

(S. 2.) Mr. Wooster moved to reconsider the vote, by which the bill entitled "an act to prevent fraudulent attachments," was indefinitely postponed.

Which motion was carried; and

The Senate adjourned.

#### AFTERNOON.

(S. 7.) The Senate resumed the consideration of the bill entitled "an act relating to the punishment of capital crimes;" and

Mr. Dana moved that the same be indefinitely postponed, and on this question, demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Adams, Bates, Dana, Dean, Eaton of Franklin, Fletcher, Gilson, Harvey, Howe, Marsh, Miner, Norton, Palmer, Short, Swift, Townsley and Wooster—17.

Those Senators who voted in the negative, are:

Messrs. Bemis, Bottum, Butler, Chipman, Eaton of Washington, Foster, Morse, Russell, Wheatley, Wheelock—10.

So the bill was indefinitely postponed.

A message from the House of Representatives, by Mr. Merrill their clerk:

MR. PRESIDENT:—The House have passed bills of the following titles, in which they ask the concurrence of the Senate:

(H. 46.) "An act to pay Moses N. Chamberlin the sum therein mentioned;"

(H. 45.) "An act to pay Simeon Herrick the sum therein mentioned;"

(H. 21.) "An act to pay Chauncey Goodrich the sum therein mentioned;" and

(H. 25.) "An act to pay Robert Pierpoint and others, the sum therein mentioned."

The said bills from the House of Representatives, were severally read the first and second times, and referred, as follows:

(H. 46.) The "act to pay Moses N. Chamberlin the sum therein mentioned," to the committee on Finance;

(H. 45.) The "act to pay Simeon Herrick the sum therein mentioned;"

(H. 21.) The "act to pay Chauncey Goodrich the sum therein mentioned;" and

(H. 25.) The "act to pay Robert Pierpoint and others, the sum therein mentioned;"

To the committee on Claims.

Mr. Wheelock introduced the following resolution:

*Resolved*, That the committee on Military affairs be directed to report a bill to the Senate, the object of which shall be to reduce the expenses of the militia of this State.

Which resolution was read and passed.

(H. 33.) Mr. Miner, from the committee on the Judiciary, to whom was referred the bill entitled "an act to annex Acton, in the county of Windham, to Townsend, in said county," reported the same without amendment, and it was read the third time, and

Laid on the table.

(S. 16.) Mr. Miner, from the same committee, reported the bill entitled "an act relating to costs," with the opinion of the committee adverse to the passage of the same.

Mr. Clark moved that the bill be indefinitely postponed, and, on this question, the yeas and nays, having been demanded by Mr. Butler, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Adams, Bates, Bemis, Bottum, Chipman, Clark, Dana, Dean, Eaton of Franklin, Fletcher, Harvey, Marsh, Miner, Morse, Norton, Palmer, Russell, Short, Swift, Townsley, Wheelock, and Wooster.—22.

Those Senators who voted in the negative, are,

Messrs. Butler, Eaton of Washington, Gilson, and Howe.—4.

So the said bill was indefinitely postponed.

On motion of Mr. Norton,

The Senate adjourned.

MONDAY, OCT. 19, 1840.

(S. 17.) Mr. Butler introduced a bill entitled "an act extending the jurisdiction of justices of the peace,"

Which was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Clark, from the Committee on Claims, to whom was referred the bills from the House of Representatives, severally entitled (H. 25) "an act to pay Robert Pierpoint and others the sum therein mentioned," and (H. 21) "an act to pay Chauncey Goodrich the sum therein mentioned," reported the said bills, without amendment, and

(H. 25.) The bill entitled "an act to pay Robert Pierpoint and others the sum therein mentioned" was

Read the third time and passed; and

(H. 21.) The bill entitled "an act to pay Chauncey Goodrich the sum therein mentioned" was,

On motion of Mr. Wooster,

Laid on the table.

Mr. Swift introduced the following resolution:

*Resolved*, That no bills be brought into the Senate after this day, except such as may be reported by Committees, on business now before them.

Which was read, and laid on the table.

Mr. Miner, from the Committee on the Judiciary, to whom was referred

the resolution stated on the journal of October 12th, relative to certain elections, reported the opinion of the Committee to be adverse to any legislative action thereon.

On motion of Mr. Miner,

The President was requested to address a communication to the Speaker of the House of Representatives, asking the return to this body of the documents transmitted to the House, in company with the official communication of the President of the Senate, under date of the 14th instant.

(S. 10.) The Senate resumed the consideration of the engrossed bill entitled "an act relating to the Grand List."

Which was read the third time and passed.

A message from the House of Representatives, by Mr. Washburn, their Assistant Clerk:

MR. PRESIDENT:—The House have passed bills of the following titles, in which they ask the concurrence of the Senate:

(H. 43.) "An act reviving an act therein mentioned;"

(H. 23.) "An act to continue in force an act laying a tax on lands in Troy;"

(H. 49.) "An act laying a tax on the lands in Brownington;"

(H. 48.) "An act to pay Enoch Pomroy the sum therein mentioned;" and

(H. 38.) "An act to establish a High School at Bakersfield by the name of the Bakersfield Academical Institute."

Which said bills were severally read the first and second times, and disposed of as follows:

(H. 23.) The bill entitled "an act to continue in force an act laying a tax on lands in Troy" was referred to the Committee on Land Taxes."

(H. 43.) The bill entitled "an act reviving an act therein mentioned," to the Committee on Roads and Canals.

(H. 49.) The bill entitled "an act laying a tax on the lands in Brownington" was

*Ordered*, To be read the third time.

(H. 48.) The bill entitled "an act to pay Enoch Pomroy the sum therein mentioned" was referred to the Committee on Claims.

(H. 38.) The bill entitled "an act to establish a High School at Bakersfield, by the name of the Bakersfield Academical Institute," to the Committee on Education.

(S. 1.) Mr. Foster called up the bill entitled "an act to authorize the business of banking," and

On the question, "Shall the bill be engrossed and read the third time?"

It was decided in the negative.

(H. 2.) Mr. Russell called up the bill from the House of Representatives, entitled "an act granting to David H. Sumner the right of a toll bridge," and, on his motion, it was amended by the addition of the following words:—"This act is subject to alteration, amendment, or repeal, by any future Legislature;" and the said bill, as amended, was read the third time, and passed.

On motion of Mr. Swift,  
The Senate adjourned.



## AFTERNOON.

(H. 21.) Mr. Clark called up the bill from the House of Representatives entitled "an act to pay Chauncey Goodrich the sum therein mentioned," and it was read the third time, and passed.

Mr. Eaton of Franklin, from the Committee on Education, to whom was referred the bill from the House of Representatives, entitled "act to incorporate Philips Academy," reported the same, without amendment, and it was read the third time and passed.

(H. 15.) Mr. Bates, from the Committee on Elections to whom was referred the bill from the House of Representatives, entitled "an act providing a compensation for returning the votes for Senators, for Electors, and Representatives to Congress, to the county clerks," reported the same without amendment, and it was read the third time, and passed.

(S. 18.) Mr. Dana introduced a bill entitled "an act concerning the union of school districts."

Which was read the first and second times, and referred to the Committee on Education.

(S. 2.) The yeas and nays, on the question of the indefinite postponement of the bill entitled "an act to prevent fraudulent attachments," having been demanded by Mr. Bemis, were as follows:

Those who voted in the affirmative are,

Messrs. Palmer, and Wooster.—2.

Those who voted in the negative are,

Messrs. Adams, Bates, Bemis, Bottum, Butler, Chipman, Clark, Crawford, Dana, Dean, Eaton of Franklin, Eaton of Washington, Fletcher, Foster, Gilson, Harvey, Howe, Miner, Morse, Norton, Russell, Swift, Townsley, Waterman, Wheatley, and Wheelock.—26.

So the question was decided in the negative, and

Thereupon, the main question being taken, the bill was passed.

(H. 32.) Mr. Bottum, from the Committee on Roads and Canals, to whom was recommitted the bill from the House of Representatives, entitled "an act to discontinue the north mountain road in Chittenden," with instructions to report facts, reported the said bill without amendment, and it was read the third time, and passed.

A message from the House of Representatives, by Mr. Washburn, the Assistant Clerk:

MR. PRESIDENT:—The House concur in the amendment proposed by the Senate to the bill entitled "an act granting to David H. Sumner the right of a toll bridge."

(S. 19.) Mr. Bottum, from the Committee on Roads and Canals, to whom was referred the resolution relative to the indictment of highways, reported a bill, entitled "an act in relation to highways,"

Which was read the first and second times, and,

On motion of Mr. Miner,

Laid on the table.

The Senate took up the resolutions introduced by Mr. Gilson, relative to altering the constitution of the United States, and, on the motion of Mr. Bottum, to amend the same by striking out the words "of six years," the yeas and nays, having been demanded by Mr. Swift, were as follows :

Those who voted in the affirmative are,

Messrs. Adams, Bates, Bemis, Bottum, Butler, Chipman, Clark, Dana, Dean, Eaton of Franklin, Eaton of Washington, Fletcher, Gilson, Harvey, Howe, Marsh, Miner, Norton, Palmer, Russell, Swift, Townsley, Waterman, Wheatley, and Wheelock.—25.

Those who voted in the negative are,

Messrs. Crawford, Foster, Morse, and Wooster.—4.

So the amendment was adopted.

On the question "shall the resolution pass?" the yeas and nays having been demanded by Mr. Miner, were as follows :

Those who voted in the affirmative are,

Messrs. Adams, Bates, Bemis, Butler, Chipman, Clark, Crawford, Dana, Dean, Eaton of Franklin, Fletcher, Foster, Gilson, Harvey, Howe, Marsh, Miner, Morse, Norton, Palmer, Russell, Swift, Townsley, Waterman, Wheatley, Wheelock, and Wooster.—27.

The Senator who voted in the negative is,

Mr. Eaton of Washington.—1.

So the resolution, as amended, was passed.

On motion of Mr. Wooster,

The Senate adjourned.

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TUESDAY, OCT. 20, 1840.

Mr. Wooster introduced the following resolution :

*Resolved*, That the Committee on Finance be instructed to report a bill, the object of which shall be to reduce the expenses of the present militia system.

Which was read, and rejected.

(H. 46.) Mr. Adams, from the Committee on Finance, to whom was referred the bill from the House of Representatives, entitled "an act to pay Moses N. Chamberlin the sum therein mentioned," reported the opinion of the Committee to be adverse to the passage of said bill, and

On motion of Mr. Gilson,

It was laid on the table.

Mr. Clark introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That the Secretary of State be authorized to exchange any reports of the decisions of the Supreme Court in his office, for other reports of the same Court, when, in his judgment, such an exchange may be for the interest of the State.

Which resolution was read, and referred to the Committee on Finance.

Mr. Morse called up the resolution introduced by Mr. Dana, relative to the adjournment of the Legislature, and proposed to amend the same by striking out "Friday," and inserting "Tuesday."

On motion of Mr. Adams,

The resolution and proposed amendment were laid on the table.

(S. 14.) The Senate resumed the consideration of the bill entitled "an act relating to jurors' fees."

Mr. Wheatley moved to amend the same by striking out the word "fifty," in the first section, and inserting "twenty-five;" and striking out the word "fifty," in the second section, and inserting the word "thirty-four."

Pending the consideration whereof,

The Senate adjourned.

#### AFTERNOON.

A message from the House of Representatives, by Mr. Washburn, the assistant clerk:

MR. PRESIDENT: The House have passed a resolution for the appointment of a joint committee to examine the State Library;

(H. 41.) Also, a bill, entitled "an act to incorporate the Readsboro' Manufacturing Company," in which they ask the concurrence of the Senate.

(H. 41.) The said bill, entitled "an act to incorporate the Readsboro' Manufacturing Company," was read the first and second times and referred to the committee on Manufactures.

The said resolution from the House of Representatives, is as follows:

*Resolved*, by the Senate and House of Representatives, That a committee of three, on the part of each house, be appointed by the two Houses, to examine into the condition of the State Library, agreeably to the provisions of chapter seven of the Revised Statutes.

Which was read and passed.

The President appointed Mr. Eaton of Franklin, Mr. Butler and Mr. Miner, as such committee on the part of the Senate.

(H. 23.) Mr. Marsh, from the committee on Land Taxes, to whom was referred the bill from the House of Representatives, entitled "an act to continue in force an act laying a tax on lands in Troy," reported the same without amendment, and it was read the third time and passed.

The question on the adoption of the amendments proposed by Mr. Wheatley to the bill, entitled "an act relating to jurors' fees," having been taken, was decided in the negative.

And the main question, Shall the bill be engrossed and read the third time? was decided in the negative.

So the bill was rejected.

Mr. Miner, from the committee on the Judiciary, to whom was referred the resolution introduced by Mr. Wooster, relative to the sale of bank charters to citizens without this state, reported that, in the opinion of the committee, no legislation is required upon the subject contemplated.

(S. 20.) Mr. Townsley introduced a bill entitled "an act to repeal part of the first section of chapter thirteen of the Revised Statutes;"

Which was read the first and second times, and referred to the committee on manufactures.

The Senate adjourned.

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WEDNESDAY, OCT. 21, 1840.

(H. 49.) The Senate resumed the consideration of the bill entitled "an act laying a tax on the lands in Brownington," and it was read the third time and passed.

Mr. Bottum presented the petition of Charles Grant and twenty-two others, for the abolition of capital punishment, which was read, and

On motion of Mr. Butler,

Referred to a select committee of three Senators.

The President appointed Mr. Butler, Mr. Eaton of Washington, and Mr. Bottum, as said committee.

(H. 33.) The Senate resumed the consideration of the bill from the House of Representatives entitled "an act to annex Acton, in the county of Windham, to Townshend, in said county."

Mr. Townsley moved to commit the same to a Senator with instructions to amend it, by adding a proviso, which is in these words:—"Provided, That this act shall not take effect, unless each of the towns of Townshend and Acton, shall, at a town meeting in each of said towns, legally warned and holden for that purpose, before the first day of February next, vote to adopt the provisions of this act."

Which motion was adopted, and the President appointed Mr. Townsley to make the amendment, who reported the same in conformity with the instructions of the Senate.

On motion of Mr. Miner,

The rule requiring a specific reference to a Senator, was suspended,

and the Senate considered and adopted the following further amendment to the said bill, proposed by Mr. Townsley:

"SEC. 6. After the first day of February next, any liabilities of the town of Acton may be prosecuted against said town of Townshend, in as full and ample a manner as if such liabilities had originally existed against Townshend; and all rights of action of said town of Acton may, in like manner, be prosecuted in the name of said town of Townshend."

Whereupon the main question, Shall the bill as amended pass? was taken and decided in the affirmative.

So the bill, as amended, passed.

Mr. Gilson, from the committee on bills, reported that the said committee have this day presented to the Governor, for his approbation and signature, bills of the following titles:

(H. 2.) "An act granting to David H. Sumner the right of a toll bridge;"

(H. 5.) "An act reviving an act laying a tax on the lands in Granby;"

(H. 8.) "An act to amend an act entitled 'an act to incorporate the Windsor County Mutual Fire Insurance Company;'"

(H. 15.) "An act providing a compensation for returning the votes for Senators, for Electors, and Representatives to Congress, to the county clerks;"

(H. 18.) "An act to incorporate Phillip's Academy;"

(H. 21.) "An act to pay Chauncey Goodrich the sum therein mentioned;" and

(H. 25.) "An act to pay Robert Pierpoint and others, the sum therein mentioned."

(S. 19.) The Senate resumed consideration of the bill, entitled "an act in relation to Highways."

Mr. Dana moved to amend the same by striking out the words "three freeholders of the vicinity," and inserting the words "some person residing in the county."

The amendment was adopted, and

On motion of Mr. Miner,

Ordered, That the said bill be laid on the table.

A message from the House of Representatives, by Mr. Washburn, the assistant clerk:

MR. PRESIDENT: The House have, on their part, appointed a committee to join a committee from the Senate, to examine into the condition of the State Library.

And the House concur with the Senate in passing a resolution relative to altering the constitution of the United States.

(S. 21.) Mr. Townsley, from the committee on Banks, reported a bill entitled "an act relating to banks;"

Which was read the first and second times, and laid on the table.

(S. 17.) Mr. Miner, from the committee on the Judiciary, to whom was referred the bill entitled "an act extending the jurisdiction of justices of the peace," reported the same with amendments, and it was laid on the table.

The Senate adjourned.

AFTERNOON.

Mr. Wheelock introduced the following resolution:

*Resolved*, That the committee on Education be instructed to enquire into the expediency of providing that no practitioner of medicine shall be entitled by law to receive compensation for services, unless he shall have applied himself to the acquisition of botanical science, for the term of three years, and report by bill or otherwise.

Which was read and passed.

(H. 43.) Mr. Bottum, from the committee on Roads and Canals, to whom was referred the bill entitled "an act to revive an act therein mentioned," reported the same with an amendment, which was adopted, and the bill was read the third time and passed.

(S. 18.) Mr. Dana, from the committee on Education, to whom was referred the bill entitled "an act concerning the union of school districts," reported the same; and it was amended, and

*Ordered*, To be engrossed and read the third time.

(S. 5.) Mr. Crawford, from the committee on Military Affairs, to whom was referred the bill entitled "an act in addition to, and in alteration of, an act entitled 'an act regulating and governing the militia of this state,'" reported the opinion of the committee to be adverse to the passage of said bill, and

On motion of Mr. Clark,  
It was laid on the table.

Mr. Crawford, from the same committee, reported adversely to any legislative action on the resolution relative to the militia law of 1817.

(S. 22.) Mr. Wheelock introduced a bill entitled "an act relating to town records;"

Which was read the first and second times, and referred to the committee on the Judiciary.

Mr. Eaton of Washington presented the petition of B. F. Abbott, which was read, and referred to the committee on Claims.

(S. 17.) The Senate, as in committee of the whole, took into consideration the bill entitled "an act extending the jurisdiction of justices of the peace," and amended the same.

The said amendments were adopted by the Senate, and the bill was

*Ordered*, to be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT: The House have passed bills of the following titles:

(H. 36.) "An act in relation to bills of divorce;"

(H. 54.) "An act altering the name of Harriet Flagg, and constituting her heir at law of John W. Merrill;"

(H. 14.) "An act altering the name of George Harper, and constituting him heir at law of Hagar M. Morrison;"

(H. 17.) "An act to pay for certain military services rendered on the northern frontier;" and

(H. 40.) "An act to pay Silas Wright the sum therein mentioned;"

Also, a resolution, providing for the collection of the school fund; in which they ask the concurrence of the Senate.

The following communication was received from the Honorable the Speaker of the House of Representatives:—

IN HOUSE OF REPRESENTATIVES, }  
OCT. 21, 1840. }

SIR:—I have the honor to transmit to the Senate the Report of the Superintendent of the State Prison; the Bank Commissioner's Report; the Adjutant General's Report; the Quarter Master General's Report; the Report of the Commissioners of the Deaf, Dumb, and Blind; the Report of the Auditor in the Treasury Department; fourth Annual Report of the Trustees of the Vermont Asylum for the Insane, and of the Physician and Superintendent of said Asylum; the report of the committee for contracting for the labor of the State prisoners; the report of the committee for revising the Statutes, and the report of the Auditor in the Treasury Department on the school fund, for the year 1840; which documents have been laid before the House of Representatives, for the use of the General Assembly, by His Excellency the Governor.

I am, very respectfully,  
your most obt. servt.

CARLOS COOLIDGE,

*Speaker of the House of Representatives.*

The Hon. DAVID M. CAMP,  
*President of the Senate.*

A resolution from the House of Representatives, as follows:

*Resolved*, by the Senate and House of Representatives, that the Treasurer, as Commissioner of the school fund, be directed to collect the demands which are due from the several individuals to said fund, at as early a period as is practicable.

Was read, and referred to the committee on Education.

Bills from the House of Representatives, were severally read the first and second times, and referred, as follows:—

(H. 36.) "An act in relation to bills of divorce;"

(H. 54.) "An act altering the name of Harriet Flagg, &c.," and

(H. 14.) "An act altering the name of George Harper, &c." to the committee on the Judiciary; and

(H. 17.) "An act to pay for certain military services rendered on the northern frontier," and

(H. 40.) "An act to pay Silas Wright the sum therein mentioned,"

To the committee on Finance.

On motion of Mr. Townsley,  
The Senate adjourned.

THURSDAY, OCT. 22, 1840.

Mr. Butler introduced the following resolutions :

1st. *Resolved*, by the Senate and House of Representatives, That our Senators in Congress be, and they hereby are, instructed, and our Representatives requested, to use their influence in that body to prevent the chartering of a United States Bank.

2d. *Resolved*, That the Governor of this State be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

Which were read and referred to a select committee of three.

The President appointed Mr. Miner, Mr. Butler, and Mr. Adams, as said committee.

Mr. Dana called up the resolution relative to adjournment, and proposed to amend the same by striking out the word "Friday," and inserting "Tuesday."

And it was so amended, and the resolution, as amended, was passed.

The preamble and resolutions relative to the Tariff, from the General Assembly of Connecticut, laid before the Senate by His Excellency the Governor, with his communication of the 13th instant, were referred to the committee on Manufactures ;

The report of the Adjutant-General and of the Quarter-Master-General, were referred to the committee on Military Affairs ;

The report of the committee for revising the Statutes, was referred to the committee on the Judiciary, and

The report of the Auditor in the Treasury Department, to the committee on Finance.

(S. 17.) The Senate took up the engrossed bill entitled "an act extending the jurisdiction of justices of the peace," and

(S. 18.) The engrossed bill entitled "an act providing for the union of school districts,"

And the said bills were severally read the third time and passed.

The following communication was received from the Honorable Speaker of the House of Representatives :

IN HOUSE OF REPRESENTATIVES, }  
October 22, 1840.

SIR : I herewith transmit to the Senate certain proceedings of the General Assembly of the States of New York, Kentucky, Connecticut, New Jersey, Maine, Indiana and North Carolina ; also a remonstrance from the inhabitants of the District of Columbia, and resolutions and address from citizens of the city of Georgetown in the District of Columbia, heretofore transmitted by the Senate to the House of Representatives, and called for in yours of the 19th instant.

With much respect,

Your obedient Servant,

CARLOS COOLIDGE,

*Speaker of House of Representatives.*

To the HON. DAVID M. CAMY,  
*President of the Senate.*



(S. 19.) Mr. Dean called up the bill entitled "an act relating to Highways," and on the question, Shall the bill be engrossed and read the third time? the yeas and nays, having been demanded by Mr. Swift, were as follows:

Those who voted in the affirmative, are,  
Messrs. Bates, Bemis, Bottum, Butler, Dana, Dean, Eaton of Washington, Foster, Gilson, Howe, Morse, Norton, Palmer, Russell, Short, Swift and Wheatley—17.

Those who voted in the negative, are,  
Messrs. Adams, Chipman, Clark, Crawford, Eaton of Franklin, Fletcher, Harvey, Marsh, Miner, Townsley, Waterman, Wheelock and Wooster—13.

So it was decided in the affirmative.

Mr. Dana, from the select committee, to whom was referred certain proceedings and resolutions of other states relative to the Public Lands, reported a preamble and resolutions, [see Appendix,] which were adopted by the Senate.

(S. 20.) Mr. Crawford, from the committee on Military Affairs, to whom was referred the bill entitled "an act to repeal part of the first section of chapter thirteen, of that portion of the Revised Statutes entitled 'of the Militia,'" reported the same with amendments.

The amendments were adopted by the Senate, and are as follows:

Strike out from the title of the bill, the words "that portion of the Revised Statutes entitled 'of the militia,'" and insert the words, "the act regulating and governing the militia;" and strike out from the body of the said bill, the words "Revised Statutes," and insert the words "act regulating and governing the militia."

And the bill was laid on the table.

(H. 36.) Mr. Miner, from the committee on the Judiciary, to whom was referred the bill from the House of Representatives, entitled "an act in relation to bills of divorce," reported the same without amendment, and it was read the third time.

And on the question, Shall the bill pass? the yeas and nays, having been demanded by Mr. Bottum, were as follows:

Those who voted in the affirmative, are,  
Messrs. Bemis, Butler, Crawford, Dana, Dean, Eaton of Franklin, Eaton of Washington, Fletcher, Foster, Gilson, Harvey, Howe, Marsh, Miner, Morse, Norton, Palmer, Russell, Short, Swift, Townsley, Waterman, Wheatley, Wheelock and Wooster—25.

Those who voted in the negative, are,

Messrs. Adams, Bates, Bottum, Chipman and Clark—5.

So the bill was passed.

A message from the House of Representatives, by Mr. Washburn, the Assistant Clerk:

MR. PRESIDENT: The House concur with the Senate in passing a bill (S. 10) entitled "an act relating to the grand list;" and, also, in the amendments proposed by the Senate to the bills entitled (H. 43) "an act reviving an act therein mentioned," and (H. 33) "an act annexing Acton in the county of Windham to Townshend in said county."

The Senate adjourned.

## AFTERNOON.

Mr. Short, from the committee to whom was referred the preamble and resolutions from the Addison County Baptist Association, reported that the committee, at this time, deem it inexpedient to legislate upon the subject.

(H. 38.) Mr. Short, from the committee on Education, to whom was referred the bill from the House of Representatives, entitled "an act to establish a high school at Bakersfield, by the name of the Bakersfield Academical Institute," reported the same, without amendment, and on his motion, it was laid on the table.

(S. 21.) The Senate, as in committee of the whole, took up the bill entitled "an act relating to banks."

And, after making progress therein,

The Senate adjourned.

## FRIDAY, OCT. 23, 1840.

Mr. Short, from the committee on Education, to whom was referred the resolution introduced by Mr. Wheelock, relative to the practice of physic, reported that, in the opinion of the committee, no legislation is expedient thereon.

Mr. Crawford, from the committee on Military Affairs, requested that the said committee be discharged from further consideration of the resolution relative to reducing the expenses of the militia of this State.

Which request was granted.

(H. 17.) Mr. Norton, from the committee on Finance, to whom was referred the bill from the House of Representatives, entitled "an act to pay for certain military services rendered on the northern frontier," reported the same without amendment, and it was read the third time, and

On motion of Mr. Townsley,  
Laid on the table.

(S. 23.) Mr. Eaton of Washington introduced a bill entitled "an act to pay Moses L. Church the sum therein mentioned,"

Which was read the first and second times, and referred to the committee on Claims.

Mr. Bottum, from the committee on Roads and Canals, to whom was referred the resolution relative to reducing the tolls on the Winoski Turnpike, reported the opinion of the committee to be adverse to legislation thereon.

(S. 19.) The Senate resumed the consideration of the engrossed bill entitled "an act in relation to highways," and it was read the third time.

And on the question "Shall the bill pass?" the yeas and nays, having been demanded by Mr. Eaton of Franklin, were as follows:

Those who voted in the affirmative are,

Messrs. Bates, Bemis, Bottum, Butler, Dana, Dean, Eaton of Washington, Foster, Gilson, Howe, Morse, Norton, Palmer, Russell, Swift, and Wheatley.—16.

Those who voted in the negative are,

Messrs. Adams, Chipman, Clark, Crawford, Eaton of Franklin, Fletcher, Harvey, Marsh, Miner, Townsley, Waterman, Wheelock, and Wooster.—13.

So the bill passed.

The Senate adjourned.

#### AFTERNOON.

(S. 24.) Mr. Clark introduced a bill entitled "an act to pay William C. Fox the sum therein mentioned,"

Which was read the first and second times, and referred to the committee on Military Affairs.

On motion of Mr. Clark,

The committee on Claims was discharged from further consideration of the bill (S. 23) entitled "an act to pay Moses L. Church the sum therein mentioned."

And the said bill was referred to the committee on Military Affairs.

(H. 41.) Mr. Waterman, from the committee on Manufactures, to whom was referred the bill from the House of Representatives, entitled "an act to incorporate the Readsboro' Manufacturing Company," reported adversely to the passage of the same, and

On motion of Mr. Townsley,

It was laid on the table.

(H. 17.) Mr. Norton called up the bill from the House of Representa-

tives, entitled "an act to pay for certain military services rendered on the northern frontier," and the question "Shall the bill pass?" being taken, was decided in the affirmative.

(H. 46.) Mr. Gilson called up the bill from the House of Representatives, entitled "an act to pay Moses N. Chamberlin the sum therein mentioned;" and it was read the third time and passed.

(S. 28.) Mr. Miner introduced a bill entitled "an act relating to the militia,"

Which was read the first and second times, and referred to a select committee of three;

And the President appointed Mr. Morse, Mr. Howe, and Mr. Wheelock, as said committee.

The following communication was received from His Excellency the Governor:

*To the Senate:*

I have the honor to make known to the Senate, that Darius Pride, Esq., who has been elected second assistant judge of Orange County, declines the office.

S. H. JENISON.

Executive Chamber, }  
Oct. 23d, 1840. }

(S. 21.) The Senate, as in committee of the whole, resumed the consideration of the bill entitled "an act relating to banks," and after making progress therein,

Mr. Waterman asked leave of absence from and after to-morrow morning, which was granted, and

On motion of Mr. Norton,  
The Senate adjourned.

SATURDAY, OCT. 24, 1840.

(S. 25.) Mr. Short introduced a bill entitled "an act relating to Essex Bank,"

Which was read the first and second times, and, on his motion, referred to a select committee of three.

The President appointed Mr. Short, Mr. Eaton of Franklin, and Mr. Miner, as such committee.

(S. 26.) Mr. Eaton of Washington introduced a bill entitled "an act granting to Sally Fuller a premium on woven silk,"

Which was read the first and second times, and referred to the committee on Finance.

(S. 27.) Mr. Swift, from the committee on Banks, to whom was referred the petition of N. Cross and others, for an act extending the charter of the Bank of Bennington, reported a bill, entitled "an act to extend the charter of the Bank of Bennington."

Which was read the first and second times, and,

On motion of Mr. Butler,

Laid on the table.

Mr. Short introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That the members of the County of Orange, of both Houses, meet in county convention, at 5 o'clock this afternoon, for the purpose of nominating a second assistant judge of said Orange County, in place of the Hon. Darius Pride, who declines the appointment.

Which was read and passed.

(S. 31.) The Senate, as in committee of the whole, resumed the consideration of the bill entitled "an act relating to banks," and after making progress therein, the committee rose, and

The Senate adjourned.

#### AFTERNOON.

A message from the House of Representatives, by Mr. Merrill their clerk:

MR. PRESIDENT: The House have passed a resolution for the payment of the State debts, in which they ask the concurrence of the Senate.

The House concur with the Senate in passing a resolution for convention of the members of the General Assembly from Orange County for the nomination of a second assistant judge.

(S. 2.) The House do *not* concur in passing the bill entitled "an act to prevent fraudulent attachments."

Mr. Gilson, from the committee on Bills, reported that said committee have this day presented to the Governor, for his approval and signature, bills of the following titles:

(S. 10.) "An act relating to the grand list;"

(H. 16.) "An act altering the boundary line between Salisbury and Leicester;"

(H. 23.) "An act to continue in force an act laying a tax on lands in Troy;"

(H. 32.) "An act to discontinue the north mountain road in Chittenden;"

(H. 33.) "An act to annex Acton in the county of Windham to Townsend in said county;"

- (H. 36.) "An act in relation to bills of divorce;"  
 (H. 43.) "An act reviving an act entitled 'an act to incorporate the Rutland and Whitehall Rail Road Company;'"  
 (H. 49.) "An act laying a tax on the lands in Brownington;"  
 (H. 17.) "An act to pay for certain military services rendered on the northern frontier;" and  
 (H. 46.) "An act to pay Moses N. Chamberlin the sum therein mentioned."

(S. 26.) Mr. Adams, from the committee on Finance, to whom was referred the bill entitled "an act granting to Sally Fuller a premium on woven silk," reported the same without amendment, and it was

*Ordered*, To be engrossed and read the third time.

(S. 29.) Mr. Clark introduced a bill entitled "an act to pay Jeremiah Bushee the sum therein mentioned,"

Which was read the first and second times, and referred to the committee on Military Affairs.

A resolution from the House of Representatives, as follows:

*Resolved*, by the Senate and House of Representatives, That the State Treasurer be directed to pay all the debts against the State, (except what is due to the school fund,) as soon as consistent; and to borrow from the school fund whatever may be necessary for that purpose.

Which was read, and referred to the committee on Finance.

(S. 28.) Mr. Morse, from the select committee to whom was referred the bill entitled "an act relating to the militia," reported the same without amendment, and on the question "Shall the bill be engrossed and read the third time?" the yeas and nays having been demanded by Mr. Clark, were as follows:

Those who voted in the affirmative are,

Messrs. Adams, Bemis, Crawford, Dana, Eaton of Franklin, Howe, Miner, Morse, Norton, Palmer, Short, Swift, Wheatley, Wheelock, and Wooster.—15.

Those who voted in the negative are,

Messrs. Bates, Bottum, Butler, Chipman, Clark, Eaton of Washington, Foster, Gilson, Harvey, Marsh, and Russell.—11.

So the bill was ordered to be engrossed and read the third time.

(S. 26.) The engrossed bill entitled "an act granting to Sally Fuller a premium on woven silk," was read the third time, and passed.

A message from the House of Representatives, by Mr. Washburn, the assistant clerk:

MR. PRESIDENT: The House concur with the Senate in passing the bill (S. 19) entitled "an act in relation to highways," with a proposal of amendment.

The House have also passed bills of the following titles:

(H. 87.) "An act to pay Henry S. Morse and others the sum therein mentioned."

H. 66.) "An act laying a tax on the lands in Worcester."

(H. 67.) "An act to pay Edward H. Aiken the sum therein mentioned."

(H. 65.) "An act to pay Kiah Bailey the sum therein mentioned."

(H. 61.) "An act to alter the name of Lucia Ann Moore."

(H. 28.) "An act to pay A. D. Arms the sum therein mentioned."

In which they ask the concurrence of the Senate.

(S. 19.) The Senate took up the bill entitled "an act in relation to highways," and concurred with the House in adopting the amendment proposed thereto.

(S. 21.) The Senate, as in committee of the whole, resumed the consideration of the bill entitled "an act relating to banks," and having made progress therein, the committee rose and reported the same to the Senate, with the following amendment:—

"SECTION 42. The charters and recharters of all banks, granted at this or any subsequent session, shall be subject to alterations or repeal by any future Legislature."

On motion of Mr. Eaton of Franklin,

The said bill was laid on the table.

(S. 7.) Mr. Wooster, from the committee on the Judiciary, to whom was referred the bill entitled "an act to amend the 63d section of the 28th chapter of the Revised Statutes," reported another bill with the same title. (S. 31.)

Mr. Dana moved to amend the bill by striking out the word "twenty," and inserting instead thereof the word "ten."

And the question being taken on the adoption of said amendment, was decided in the negative.

So the motion to amend was lost.

The bill was read the first and second times, and,

On motion of Mr. Wooster,

Was laid on the table.

(S. 27.) Mr. Butler called up the bill entitled "an act to extend the charter of the Bank of Bennington," and proposed the following amendment thereto:—

"Sec. 13. The stockholders of said bank shall be severally liable, in their private and individual capacity, for all the debts and liabilities of said bank; and whenever any owner of stock shall have his stock standing in the name of any other person, or shall have assigned or transferred the same to any other person in trust, or for any other purpose whatever, except in the execution of a bona fide sale thereof, the said owner shall be and remain liable in the same manner as if said stock had stood in his own name. And whenever any final judgment shall be rendered against said bank, unless the execution issued thereon is immediately paid, the officer who has said execution is hereby authorized to levy the same on the private property of any one or more of the stockholders of said bank in such proportion as said stockholder or stockholders' shares have to the whole amount of the capital stock of said bank, and to proceed in the sale of said property in the same way and manner as if said execution had been against said stockholder or stockholders by name.

"Provided nevertheless, if each and every board of directors of said bank shall give to the Treasurer of the State good and sufficient bonds in double the amount of the capital stock of said bank, conditioned for the redemption of all the bills and other liabilities of said bank; or if each and every stockholder of said bank shall, previous to doing business under this recharter, give to the Treasurer of the State their individual bond, signed by two good and sufficient sureties, or well secured on unincumbered improved real estate within this State, in double the amount of said stockholders' stock in such bank, conditioned for the redemption of all the bills and other liabilities of said bank, then and in that case said bank and

its stockholders shall not be subject to any portion of this section, except the proviso."

Upon which amendment, the yeas and nays having been demanded by Mr. Butler, were as follows:

Those Senators who voted in the affirmative are,  
Messrs. Butler and Howe.—2.

Those Senators who voted in the negative are,  
Messrs. Bates, Bemis, Bottum, Clark, Crawford, Dana, Eaton of Franklin, Foster, Marsh, Miner, Norton, Palmer, Russell, Short, Swift, Wheelock, and Wooster.—17.

So the Senate refused to adopt the amendment, and,

On motion of Mr. Clark,

The bill was laid on the table.

(S. 30.) Mr. Butler, from the select committee to whom was referred the petition of Charles Grant, reported a bill entitled "an act abolishing capital punishment,"

Which was read the first and second times, and on his motion,

The bill was laid on the table.

(H. 38.) The Senate took up the consideration of the bill entitled "an act to establish a High School at Bakersfield, by the name of the Bakersfield Academical Institute," and,

On motion of Mr. Morse,

The bill was indefinitely postponed.

The Senate took up the resolution relative to the introduction of bills, and it was amended by striking out "this day," and inserting "Monday next," and laid on the table.

On motion of Mr. Palmer,

The Senate adjourned.

MONDAY, OCT. 26, 1840.

(S. 21.) Mr. Wooster called up the bill entitled "an act relating to banks."

And on the question "Will the Senate adopt the amendment, reported by the committee of the whole?" as stated on the journal of Saturday, the 24th instant, the yeas and nays, having been demanded by Mr. Butler, were as follows:

Those who voted in the affirmative are,

Messrs. Adams, Bates, Bemis, Butler, Chipman, Clark, Dean, Eaton of Franklin, Gilson, Harvey, Howe, Marsh, Miner, Norton, Palmer, Russell, Short, Townsley, and Wheelock.—19.

Those who voted in the negative are,

Messrs. Bottum, Crawford, Dana, Foster, Morse, Swift, and Wooster.—7.

So the amendment was adopted.



Mr. Butler offered the following amendment:

"SEC. —. The stockholders of any bank hereafter chartered or rechartered, shall be severally liable in their private and individual capacity, for all the debts and liabilities of the said bank. And whenever any owner of stock shall have his stock standing in the name of any other person, or shall have assigned or transferred the same to any other person in trust, or for any other purpose whatever, except in the execution of a bona fide sale thereof, the said owner shall be and remain liable in the same manner as if such stock had stood in his own name. And where said stock is sold, in execution of a bona fide contract, the person transferring the same shall be and remain liable, in the same way and manner, for the space of one year from the time of the transfer of said stock, as he would have been if he had continued to be the owner of the same. And whenever there shall be a final judgment recovered against any such banking corporation, execution shall issue against the same, and if said corporation neglect to pay said execution on demand being made by the officer holding said execution of the cashier, or of one of the directors of said bank, in case said bank have such officers; or if said corporation have no cashier or directors, who can be seasonably found by said officer, then said officer is authorized to levy said execution on any of the property of any one or more of the stockholders of said bank, and to advertise and sell the same in the same way and manner as though said execution had been against said stockholder or stockholders by name.

"Provided nevertheless, if each and every board of directors of said bank shall give to the Treasurer of this State good and sufficient bonds in double the amount of the capital stock of said bank, conditioned for the redemption of all the bills and other liabilities of said bank, or if each and every stockholder of such bank shall, previous to commencing business under their charter, give to the Treasurer of this State their individual bonds, signed by two good and sufficient sureties, or well secured on unincumbered improved real estate within this State, in double the amount of said stockholders' stock in such bank, conditioned for the redemption of all the bills and other liabilities of such bank, then and in that case such bank and its stockholders shall not be subject to any portion of this section, except the proviso."

And on the question "Will the Senate adopt the amendment?" the yeas and nays, having been demanded by Mr. Dana, were as follows:

The Senator who voted in the affirmative is,

Mr. Butler.

Those who voted in the negative are,

Messrs. Adams, Bates, Bemis, Bottum, Chipman, Clark, Crawford, Dana, Dean, Eaton of Franklin, Foster, Harvey, Howe, Miner, Morse, Norton, Palmer, Russell, Short, Swift, Townsley, Wheelock, and Wooster.—23.

So the amendment was lost.

Mr. Butler offered the following amendment:—

"SEC. —. The stockholders of any bank hereafter chartered or rechartered, shall be severally liable in their private and individual capacity for all the debts and liabilities of such bank: and whenever any owner of stock shall have his stock standing in the name of any other person, or shall have assigned or transferred the same to any other person in trust or for any other purpose whatever, except in the execution of a bona fide sale thereof, the said owner shall be and remain liable in the same manner as if said stock had stood in his own name. And whenever any final judg-

ment is rendered against any such bank, unless the execution issued thereon is immediately paid, the officer who has said execution is hereby authorized to levy the same on the private property of any one or more of the stockholders of any such bank, in such proportion as said stockholder or stockholders' shares have to the whole amount of the capital stock of said bank, and to proceed in the sale of said property in the same way and manner as if said execution had been against said stockholder or stockholders by name.

"*Provided* nevertheless, if each and every board of directors of such bank shall give to the Treasurer of the State good and sufficient bonds in double the amount of the capital stock of such bank, conditioned for the redemption of all the bills and other liabilities of such bank; or if each and every stockholder of such bank shall, previous to commencing business under its charter, give to the Treasurer of the State their individual bond, signed by two good and sufficient sureties, or well secured on unincumbered improved real estate within this State, in double the amount of said stockholders' stock in such bank, conditioned for the redemption of all the bills and other liabilities of such bank, then and in that case such bank and its stockholders shall not be subject to any portion of this section, except the proviso."

And on the question, Will the Senate adopt this amendment? the yeas and nays, having been demanded by Mr. Butler, were as follows:

Those who voted in the affirmative, are,

Messrs. Butler and Howe—2.

Those who voted in the negative, are,

Messrs. Adams, Bates, Bemis, Bottum, Chipman, Clark, Crawford, Dana, Dean, Eaton of Franklin, Foster, Gilson, Harvey, Miner, Morse, Norton, Palmer, Russell, Short, Swift, Townsley, Wheelock and Wooster—23.

So the Senate refused to adopt the amendment.

Mr. Butler proposed to amend the said bill by striking out the proviso to the seventeenth section, which is in these words: "provided that such corporation may sell all kinds of property held by it in pledge."

And on the question, Will the Senate so amend? the yeas and nays, having been demanded by Mr. Butler, were as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Bates, Bemis, Butler, Dean, Foster, Gilson, Harvey, Howe, Palmer, Russell and Wooster—12.

Those who voted in the negative, are,

Messrs. Bettum, Chipman, Clark, Crawford, Dana, Eaton of Franklin, Miner, Morse, Norton, Short, Swift, Townsley and Wheelock—13.

So the amendment was lost.

Mr. Adams moved to amend by striking out the proviso to section twenty-five, and on this question, demanded the yeas and nays, which were as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Butler, Chipman, Clark, Dean, Eaton of Franklin, Foster, Harvey, Howe, Marsh, Miner, Norton, Palmer, Russell, Short, Wheatley, and Wooster—18.

Those who voted in the negative, are,

Messrs. Bates, Bemis, Bottum, Crawford, Gilson, Swift, Townsley and Wheelock—8.

So the amendment was adopted.

Mr. Butler proposed to amend the forty-first section by striking out from

the first line the word "the," and inserting the words "each and every board of directors,"

Which amendment was lost.

Mr. Butler moved to amend the said section by striking out from the second and third lines, the words "to the amount, and with the security, required in the tenth section of this act," and inserting the words "to double the amount of the capital stock."

And on the question, Will the Senate adopt the proposed amendment? the yeas and nays, having been demanded by Mr. Butler, were as follows:

Those who voted in the affirmative, are,  
Messrs. Adams, Bates, Butler, Crawford, Dean, Foster, Harvey, Howe, Wheatley and Wheelock—10.

Those who voted in the negative, are,  
Messrs. Bemis, Bottum, Chipman, Clark, Dana, Eaton of Franklin, Marsh, Miner, Morse, Norton, Palmer, Russell, Short, Swift, Townsley and Wooster—16.

So the amendment was lost.

Mr. Butler moved to amend the said section further, by striking out the words "while such directors are in office," from the sixth and seventh lines.

Which amendment was adopted.

Mr. Adams moved to amend the said bill by striking out the forty-first section of the same.

And the amendment was adopted.

Mr. Norton proposed to amend the first section by adding the following:

"The safety fund, accruing under the provisions of this act, shall not be applied to the payment of any former defalcation."

Which amendment was adopted.

Mr. Eaton of Franklin moved to reconsider the vote refusing to strike out the proviso to the 17th section of said bill.

Which motion prevailed, and the question recurring, Shall the proviso to the 17th section be stricken out? it was decided in the affirmative.

Mr. Eaton of Franklin moved to amend by adding to the seventeenth section the following proviso:

"Provided, That such corporation may sell all such property as may come into its possession, in the ordinary collection of its debts."

Which amendment was adopted.

Mr. Butler moved to amend said bill by striking out the thirty-fifth section of the same.

And the amendment was adopted.

Mr. Butler moved to amend by striking out from the first section the words "of the first twenty-seven, and the fortieth and forty-first sections," and the words "but shall not be subject to the remaining sections of said eightieth chapter, except so far as the same are re-enacted in this act."

And on the question, Will the Senate adopt the proposed amendment? the yeas and nays, having been demanded by Mr. Butler, were as follows:

Those who voted in the affirmative, are,

Messrs. Butler and Eaton of Washington—2.

Those who voted in the negative, are,

Messrs. Adams, Bates, Bemis, Bottum, Chipman, Clark, Crawford, Da-

na, Dean, Eaton of Franklin, Gilson, Howe, Marsh, Miner, Morse, Norton, Palmer, Russell, Short, Swift, Townsley, Wheatley and Wooster—23.  
So the Senate refused to adopt the amendment.

Mr. Butler moved to amend by striking out from the sixteenth section, all after the word "annum."

And on the question, Will the Senate adopt the proposed amendment? called for the yeas and nays, which were as follows:

Those who voted in the affirmative, are,

Messrs. Bates, Bemis, Butler, Crawford, Dean, Eaton of Washington, Foster, Harvey, Howe, Marsh, Russell and Wheelock—12.

Those who voted in the negative, are,

Messrs. Bottum, Chipman, Dana, Eaton of Franklin, Gilson, Miner, Morse, Norton, Short, Swift, Townsley and Wooster—12.

The Senate being equally divided, the Secretary took the casting vote of the President.

The President voted in the affirmative.

So the amendment was adopted.

On motion of Mr. Miner,

*Ordered*, That the bill be laid on the table.

A message from the House of Representatives, by Mr. Washburn, the Assistant Clerk:

MR. PRESIDENT: The House have passed the resolution relative to adjournment;

Also a resolution relative to Thanksgiving;

Also bills of the following titles:

(H. 64.) "An act to amend chapter eighty-two of the Revised Statutes;"

(H. 24.) "An act to pay the town of Alburgh the sum therein mentioned;" and

(H. 56.) "An act granting a ferry to Sally Sowles;" in which they ask the concurrence of the Senate.

The said bills, from the House of Representatives, were severally read the first and second times, and referred as follows:

(H. 64.) "An act to amend chapter eighty-two of the Revised Statutes," and

(H. 24.) "An act to pay the town of Alburgh the sum therein mentioned," to the committee on the Judiciary; and

(H. 56.) "An act granting a ferry to Sally Sowles," to the committee on Roads and Canals.

The resolution from the House of Representatives is as follows:

*Resolved*, by the Senate and House of Representatives, That the Governor be requested to appoint Thursday, the third day of December next, as a day of public thanksgiving throughout this state.

And it was read, and the Senate refused to concur in the passage thereof.

On motion of Mr. Bemis,

Leave of absence from the service of the Senate, was granted to him, from and after to-morrow morning.

The following communication was received from His Excellency the Governor:

*To the Senate :*

I have the honor to inform the Senate, that a vacancy has been occasioned in the office of Major General, in the second division of the militia of this state, by the resignation and honorable discharge of Major General Stephen Dale ; and that a vacancy has also occurred, in the office of Brigadier General of the third division and first brigade, by the resignation and honorable discharge of Brigadier General Orrin Edson.

S. H. JENISON.

Executive Chamber, }  
Oct. 26, 1840. }

| The Senate adjourned.

## AFTERNOON.

(S. 32.) Mr. Wooster introduced a bill entitled "an act to amend chapter nine of the Revised Statutes ;"

Which was read the first and second times, and referred to the committee on the Judiciary.

Mr. Gilson, from the committee on Bills, reported that the following bill has this day been laid before the Governor, for his approval and signature :

(S. 19.) "An act in relation to Highways."

(S. 21.) The Senate resumed consideration of the bill entitled "an act relating to Banks."

Mr. Bates moved to amend the same, by striking out from section first the words "and to all such alterations as may be hereafter made by the Legislature."

And the amendment was adopted, and,

On motion of Mr. Eaton of Franklin,

*Ordered*, That the said bill be indefinitely postponed.

The Senate took into consideration the resolution for adjournment, together with the amendment proposed by the House of Representatives, which is as follows : to strike out all after the word "on," and insert the words "Friday next, at 5 o'clock, A. M. without day."

And the question, Will the Senate concur? was decided in the affirmative.

On motion of Mr. Swift,

Leave of absence from the service of the Senate, was granted to him, from and after Thursday morning next.

On motion of Mr. Dana,

Leave of absence from the service of the Senate, was granted to him, from and after Thursday morning next.

(S. 27.) Mr. Swift called up the bill entitled "an act to extend the charter of the Bank of Bennington," and it was

*Ordered*, To be engrossed and read the third time.

(S. 33.) Mr. Miner, from the committee on the Judiciary, to whom were referred several bills (S. 13, H. 14, H. 54,) to provide for altering the names of persons therein mentioned, reported a bill entitled "an act altering the names of certain persons," and it was

Read the first and second times, and,

On motion of Mr. Short,

Laid on the table.

(H. 40.) Mr. Adams, from the committee on Finance, to whom was referred the bill from the House of Representatives, entitled "an act to pay Silas Wright the sum therein mentioned," reported the same without amendment.

And the question, Shall the bill be read the third time? was decided in the negative.

(S. 28.) The Senate resumed consideration of the bill entitled "an act relating to the militia," and it was read the third time and indefinitely postponed.

(S. 22.) Mr. Short, from the committee on the Judiciary, to whom was referred the bill entitled "an act relating to town records," reported the same with an amendment, which was adopted by the Senate, and,

On motion of Mr. Miner,

It was laid on the table.

(S. 21.) Mr. Crawford moved to reconsider the vote by which the bill entitled "an act relating to banks," was indefinitely postponed, which motion was carried.

And the question recurring, Shall the bill be indefinitely postponed?

Mr. Eaton of Franklin withdrew the motion, and the bill was laid on the table.

(S. 33.) Mr. Miner called up the bill entitled "an act altering the names of certain persons," and moved to amend the same by striking out the second section.

Which amendment was adopted, and the bill, as amended, was

*Ordered*, To be engrossed and read the third time.

(S. 20.) The Senate resumed consideration of the bill entitled "an act to repeal part of the first section of chapter thirteen, of that portion of the Revised Statutes entitled "of the militia," and it was

*Ordered*, To be engrossed and read the third time.

(S. 5.) The Senate resumed consideration of the bill entitled "an act in addition to, and in alteration of, an act entitled 'an act regulating and governing the militia of this state,'"

And the said bill was indefinitely postponed.

The Senate further considered the resolution stated on the journal of the 19th instant, relative to the introduction of bills, and the same was indefinitely postponed.

(S. 31.) The Senate resumed consideration of the bill entitled "an act

to amend the sixty-third section of chapter twenty-eight, of the Revised Statutes," and it was

*Ordered,* To be engrossed and read the third time.

(S. 30.) Mr. Bates called up the bill entitled "an act abolishing capital punishment," and moved the indefinite postponement of the same.

And on this question, the yeas and nays, having been demanded by Mr. Eaton of Washington, were as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Bates, Chipman, Clark, Dana, Dean, Fletcher, Foster, Harvey, Howe, Miner, Norton, Palmer, Russell, Short, Swift, Townsley, Wheelock and Wooster—19.

Those who voted in the negative, are,

Messrs. Bemis, Butler, Crawford, Eaton of Franklin, Eaton of Washington, Gilson, Marsh, Morse and Wheatley—9.

So the bill was indefinitely postponed.

(H. 66.) The Senate resumed consideration of the bill from the House of Representatives, entitled "an act laying a tax on the lands in Worcester."

And it was read the third time and passed.

The Senate further considered the resolution relative to exchange of reports, and it was passed.

(H. 64.) Mr. Miner, from the committee on the Judiciary, to whom was referred the bill from the House of Representatives, entitled "an act to amend chapter eighty-two of the Revised Statutes," reported the same, with an amendment, which was adopted by the Senate, and the bill, as amended, was

*Ordered,* To be read the third time.

A message from the House of Representatives, by Mr. Merrill, their clerk:

MR. PRESIDENT: The House have passed bills of the following titles, in which they ask the concurrence of the Senate:

(H. 69.) "An act authorising the Governor to loan to the town of Alburgh fifteen muskets;"

(H. 94.) "An act to repeal an act incorporating the Otter Creek Tow Path Company;"

(H. 30.) "An act relating to evidence;"

(H. 77.) "An act in addition to chapter eight of the Revised Statutes," and

(H. 20.) "An act to pay Rufus Campbell the sum therein mentioned."

The above mentioned bills were severally read the first and second times, and referred as follows:

(H. 69.) "An act authorizing the Governor to loan to the town of Alburgh, fifteen muskets," to the committee on Military Affairs;

(H. 94.) "An act to repeal an act incorporating the Otter Creek Tow Path Company," to the committee on Roads and Canals;

(H. 30.) "An act relating to evidence," to the committee on the Judiciary;

(H. 77.) "An act in addition to chapter eight of the Revised Statutes," and

(H. 20.) "An act to pay Rufus Campbell the sum therein mentioned," to the committee on Finance.

Mr. Butler introduced the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to enquire whether any legislation is necessary in order to entitle the county of La-moille to a Senator in 1841, and report by bill or otherwise.

Which was read and passed.

Mr. Miner, to whom was referred the resolutions introduced by Mr. Butler, relative to a United States Bank, reported the opinion of the majority of the committee, that the same ought not to pass.

Mr. Butler, from the same committee, reported the opinion of the minority thereof, that the same ought to pass.

And on the question, Shall the resolutions pass? the yeas and nays, having been demanded by Mr. Eaton of Washington, were as follows :

Those Senators who voted in the affirmative, are,

Messrs. Butler and Eaton of Washington—2.

Those who voted in the negative, are,

Messrs. Bates, Bemis, Bottum, Crawford, Dana, Dean, Eaton of Franklin, Fletcher, Foster, Gilson, Harvey, Marsh, Miner, Morse, Norton, Palmer, Russell, Short, Swift, Townsley, Wheatley, Wheelock and Wooster—23.

So the resolutions were lost.

On motion of Mr. Wooster,

The Senate adjourned.

TUESDAY, OCT. 27, 1840.

(S. 20.) The engrossed bill entitled "an act to repeal part of the first section of chapter thirteen, of the act regulating and governing the militia," and

(S. 33.) "An act altering the names of certain persons,"

Were severally read the third time and passed.

(H. 64.) The bill from the House of Representatives, entitled "an act to amend chapter eighty-two of the Revised Statutes," was read the third time and passed.

(S. 34.) Mr. Adams introduced a bill entitled "an act relating to the militia,"

Which was read the first and second times, and on his motion, referred to a select committee of three.

The President appointed Mr. Adams, Mr. Chipman, and Mr. Eaton of Washington, as such committee.



On motion of Mr. Harvey,  
Leave of absence was granted to him, from the service of the Senate,  
from and after to-morrow morning.

(S. 35.) Mr. Eaton of Washington introduced a bill, entitled "an act  
granting a premium on woven silk;"

Which was read the first and second times, and referred to the com-  
mittee on Manufactures.

Mr. Wheatley introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That our Sen-  
ators in Congress be instructed, and our Representatives be requested, to  
use their influence to prevent the transportation of the United States mail  
on the Sabbath.

Which was read, and,

On motion of Mr. Butler,

Laid on the table.

(H. 69.) Mr. Crawford, from the committee on Military Affairs, to whom  
was referred the bill from the House of Representatives, entitled "an act  
authorizing the Governor to loan to the town of Alburgh, fifteen muskets,"  
reported the same without amendment.

And the question, Shall the bill be read the third time? was decided in  
the negative.

(H. 56.) Mr. Russell, from the committee on Roads and Canals, to whom  
was referred the bill from the House of Representatives, entitled "an act  
granting a ferry to Sally Sowles," reported the same without amendment.

And it was read the third time and passed.

On motion of Mr. Gilson,

*Ordered*, That the President appoint a chairman of the committee on  
Manufactures, to supply the vacancy occasioned by the absence of Mr.  
Waterman.

The President appointed Mr. Norton.

(H. 30.) Mr. Wooster, from the committee on the Judiciary, to whom  
was referred the bill from the House of Representatives, entitled "an act  
relating to evidence," reported the same with a proposal to amend by stri-  
king out the third section thereof.

Which amendment was adopted by the Senate, and the bill was

*Ordered*, To be read the third time.

(H. 67.) Mr. Norton, from the committee on Finance, to whom was re-  
ferred the bill from the House of Representatives entitled "an act to pay  
Edward H. Aikin the sum therein mentioned," reported the same without  
amendment.

And it was read the third time and passed.

A message from the House of Representatives, by Mr. Merrill, their  
Clerk:

MR. PRESIDENT: The House have passed a resolution for a joint as-  
sembly to elect a Major General and a Brigadier General;

Also bills of the following titles:

(H. 55.) "An act granting a ferry to Tabor I. Sewell," and

(H. 57.) "An act granting a ferry to Joseph Mott, Joseph M. Mott, and  
Danforth Mott," in which they ask the concurrence of the Senate.

The said resolution from the House of Representatives, which is as follows:

*Resolved*, by the Senate and House of Representatives, That both houses meet in joint assembly, on Wednesday next, at ten o'clock in the forenoon, for the purpose of electing a Major General in the second division, and a Brigadier General in the first brigade and third division, of the militia of this state,

Was read, and

On motion of Mr. Morse,

Amended by striking out the words "Wednesday next, at ten o'clock in the forenoon," and inserting the words "this day, at three o'clock P. M."

And the resolution, as amended, was passed.

The following bills from the House of Representatives, were severally read the first and second times, and referred as follows:

(H. 55.) "An act granting a ferry to Tabor I. Sewell," and

(H. 57.) "An act granting a ferry to Joseph Mott, Joseph M. Mott, and Danforth Mott," to the committee on Roads and Canals.

(H. 94.) Mr. Bottum, from the committee on Roads and Canals, to whom was referred the bill from the House of Representatives, entitled "an act to repeal an act incorporating the Otter Creek Tow Path Company," reported the same without amendment.

And it was read the third time and passed.

(H. 48.) Mr. Clark, from the committee on Claims, to whom was referred the bill from the House of Representatives, entitled "an act to pay Enoch Pomeroy the sum therein mentioned," reported the same without amendment.

And it was read the third time and passed.

(H. 87.) Mr. Clark, from the same committee, also reported the bill from the House of Representatives, entitled "an act to pay Henry S. Morse and others, the sum therein mentioned," with an amendment, and it was read the third time.

And on the question, Shall the bill pass? the yeas and nays, having been demanded by Mr. Butler, were as follows:

Those who voted in the affirmative, are,

Messrs. Butler, Clark, Eaton of Washington, Fletcher, Gilson, Morse, Norton, Palmer, Short, Wheatley and Wooster—11.

Those who voted in the negative are,

Messrs. Adams, Bates, Bottum, Chipman, Crawford, Dana, Dean, Eaton of Franklin, Foster, Harvey, Howe, Marsh, Miner, Russell, Swift, Townsley and Wheelock—17.

So the bill was rejected.

The Senate adjourned.

## AFTERNOON.

(S. 31.) The engrossed bill entitled "an act to amend the 63d section of chapter 28 of the Revised Statutes" was read the third time, and,

On motion of Mr. Miner,

Amended, by striking out the proviso to the second section, and  
The bill, as amended, passed.

(H. 55.) Mr. Russell, from the committee on Roads and Canals, to whom was referred the bill from the House of Representatives entitled "an act granting a ferry to Tabor I. Sewell," reported the same without amendment, and

On motion of Mr. Bottum,

Ordered, That said bill be laid on the table.

(S. 35.) Mr. Palmer, from the committee on Manufactures, to whom was referred the bill entitled "an act granting a premium on woven silk," reported the same without amendment, and

On motion of Mr. Norton,

It was recommitted.

Mr. Wooster, from the committee to whom were referred the resolutions from the States of Maine and Indiana, reported that, in the opinion of the committee, no legislation is necessary thereon.

(H. 57.) Mr. Bottum, from the committee on Roads and Canals, to whom was referred the bill from the House of Representatives, entitled "an act granting a ferry to Joseph Mott, Joseph M. Mott, and Danforth Mott," reported the same without amendment, and it was

Ordered, To be read the third time.

A message from the House of Representatives, by Mr. Washburn, their Assistant Clerk:

MR. PRESIDENT:—The House concur with the Senate in their amendment to the resolution for a joint assembly to elect a Major General and a Brigadier General:

Also, in passing a resolution relative to the exchange of reports:

(H. 64.) Also, in the amendment of the Senate to the bill entitled "an act to amend chapter 82 of the Revised Statutes."

(S. 23.) Mr. Clark, from the committee on Military Affairs, to whom was referred the bill entitled "an act to pay Moses L. Church the sum therein mentioned," reported the same without amendment, and it was laid on the table.

(S. 36.) Mr. Foster, from the committee on so much of the Governor's message as relates to a geological survey of the State, reported a bill entitled "an act relating to a geological survey of the State,"

Which was read the first and second times, and laid on the table.

(S. 29.) Mr. Crawford, from the committee on Military Affairs, to whom was referred the bill entitled "an act to pay Jeremiah Bushee the sum therein mentioned," reported adversely to the passage of the same, and it was indefinitely postponed.

(S. 24.) Mr. Crawford, from the same committee, reported adversely to the passage of the bill entitled "an act to pay William C. Fox the sum therein mentioned," and it was indefinitely postponed.

(H. 41.) The Senate resumed the consideration of the bill from the House entitled "an act to incorporate the Readsboro' Manufacturing Company."

Mr. Butler proposed to amend the same by adding the following section:

"Sec. —. All the bonds, notes, promises, or agreements, which shall be made and executed by said corporation, shall be deemed and holden to be the joint contract, promise, or agreement, of the individual members of said corporation; and whenever any judgment shall have been obtained against said corporation, and execution shall thereupon issue, and demand thereof shall be made by the officer holding the same in the manner now pointed out by law, if the same shall not be duly paid or property turned out sufficient to satisfy the same, it shall be the duty of such officer, and he is hereby empowered, to proceed and levy such execution on the goods, chattels, or estate, of any one or more of the individual members or stockholders of said corporation, or who have been members or stockholders of said corporation within one year from the time of said levy, and proceed to the collection of said execution in the same manner as if said judgment had been rendered against such members or stockholders by name."

And,

On motion of Mr. Miner,

The bill and amendment were indefinitely postponed.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House have passed a bill (H. 50) entitled "an act relating to banks;"

In which they ask the concurrence of the Senate.

(H. 50.) The bill from the House of Representatives, entitled "an act relating to banks," was read the first and second times, and referred to the committee on Banks.

(H. 30.) The Senate resumed the consideration of the bill from the House, entitled "an act relating to evidence," and it was read the third time and passed.

(S. 21.) Mr. Butler called up the bill entitled "an act relating to banks," and, on his motion, it was referred to the committee on Banks.

On motion of Mr. Miner,

Ordered, That when the Senate adjourn, it adjourn to meet at half past six o'clock, this evening.

The Senate adjourned.

## EVENING.

(H. 50.) Mr. Townsley, from the committee on Banks, to whom was referred the bill from the House of Representatives entitled "an act relating to Banks," reported the same, and

The Senate, as in committee of the whole, considered the same; and having finished the consideration thereof, the committee rose and reported the same with amendments, as follows:

In the 16th section, to strike out all after the word "property," and insert the words "which shall have come into its possession in the ordinary collection of its debts."

In the 24th section, to insert the words "at that city" between the words "shall" and "uniformly," in the proviso.

In the 24th section, to strike out the word "thirty," and insert the word "ten," in the proviso.

Which amendments were adopted by the Senate.

Mr. Miner moved to amend the 2d section, by adding thereto the following amendment:

"And no bank shall continue to make loans or discounts for a larger space than two years after commencing business under such act of incorporation, unless the whole of the capital stock allowed in the charter shall have been paid in, subject to the provisions of the succeeding section."

Which amendment was adopted.

Mr. Marsh asked leave of absence from and after to-morrow morning, which was granted.

(H. 50.) Mr. Adams moved to strike out the proviso of the 24th section, and he having demanded the yeas and nays on the question, they stood as follows:

Those Senators who voted in the affirmative are,  
Messrs. Adams, Butler, Eaton of Washington, Foster, Marsh, and Russell.—6.

Those who voted in the negative are,  
Messrs. Bates, Bottum, Chipman, Clark, Crawford, Dana, Dean, Eaton of Franklin, Fletcher, Howe, Miner, Morse, Palmer, Short, Swift, Townsley, Wheatley, Wheelock, and Wooster.—19.

So the motion was lost.

Mr. Butler moved to strike out all after the word "annum," in the 15th section, and he having demanded the yeas and nays on the question, they stood as follows:

Those Senators who voted in the affirmative are,  
Messrs. Adams, Bates, Butler, Crawford, Dean, Eaton of Franklin, Eaton of Washington, Foster, Howe, Palmer, Russell, and Wheatley.—12.

Those who voted in the negative are,  
Messrs. Bottum, Chipman, Clark, Dana, Fletcher, Marsh, Miner, Morse, Short, Swift, Townsley, Wheelock, and Wooster.—13.

So the motion was lost.

Mr. Butler moved to amend the bill by striking out the words "If the," at the commencement of the 40th section, and inserting in lieu thereof the words "each and every board of"—also by striking out the words "to the amount and with the security required in the 10th section of this act," and inserting in lieu thereof the words "in double the amount of the capital stock of said bank"—also by striking out the words "while such directors are in office;" and he having demanded the yeas and nays on the question, they stood as follows:

Those Senators who voted in the affirmative are,  
Messrs. Butler, Eaton of Washington, and Foster.—3.

Those who voted in the negative are,

Messrs. Adams, Bates, Bottum, Chipman, Clark, Crawford, Dana, Dean, Eaton of Franklin, Fletcher, Foster, Howe, Marsh, Miner, Morse, Palmer, Russell, Short, Swift, Townsley, Wheatley, Wheelock, and Wooster.—23.

So the amendment was lost.

Mr. Adams moved to strike out the 40th section of the bill, and he having demanded the yeas and nays on the question, they stood as follows:

Those Senators who voted in the affirmative are,

Messrs. Adams, Butler, Chipman, Eaton of Washington, Foster, Palmer, and Russell.—7.

Those who voted in the negative are,

Messrs. Bates, Bottum, Clark, Crawford, Dana, Dean, Eaton of Franklin, Fletcher, Howe, Marsh, Miner, Morse, Short, Swift, Townsley, Wheatley, Wheelock, and Wooster.—18.

So the motion was lost.

Mr. Butler moved to strike out the 34th section, and he having demanded the yeas and nays on the question, they stood as follows:

Those Senators who voted in the affirmative are,

Messrs. Adams, Bates, Butler, Chipman, Crawford, Dean, Eaton of Franklin, Eaton of Washington, Fletcher, Foster, Howe, Miner, Palmer, Russell, Short, Wheatley, Wheelock, and Wooster.—18.

Those who voted in the negative are,

Messrs. Bottum, Clark, Dana, Marsh, Morse, Swift, and Townsley.—7.

So the motion prevailed.

The bill was ordered to be read the third time, and

On motion of Mr. Palmer,  
The Senate adjourned.

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WEDNESDAY, OCT. 28, 1840.

(S. 34.) Mr. Adams, from the select committee to whom was referred the bill entitled "an act relating to the militia," reported the same without amendment, and it was

*Ordered,* To be engrossed and read the third time.

(H. 57.) The bill from the House of Representatives entitled "an act granting a ferry to Joseph Mott, Joseph M. Mott, and Danforth Mott," was read the third time and passed.

(S. 35.) Mr. Palmer, from the committee on Manufactures, to whom was recommitted the bill entitled "an act granting a premium on woven silk," reported the same with amendments, which were adopted, and it was

*Ordered,* That the bill be engrossed and read the third time.

Mr. Adams, from the committee on Finance, to whom was referred the resolution from the House of Representatives, relative to paying the State debts, reported that the same ought to pass, and it passed.

Mr. Bates, from the committee on Elections, to whom was referred the resolution of Mr. Butler, relative to any Senators holding any office under the General Government, reported that the committee have been unable to ascertain that any Senator so holds any office.

(H. 50.) The Senate resumed the consideration of the bill entitled "an act relating to banks," and the rule was suspended, and it was read the third time.

Mr. Foster moved to recommit the bill, for a special amendment to section 24, providing for the redemption of bills in Boston and New York.

And on the question "Will the Senate recommit for this purpose?" the yeas and nays being demanded by Mr. Foster, were as follows:

Those who voted in the affirmative are,

Messrs. Adams, Chipman, Eaton of Franklin, Eaton of Washington, Fletcher, Foster, Norton, Swift, and Wooster.—9.

Those who voted in the negative are,

Messrs. Bates, Bottum, Clark, Crawford, Dana, Dean, Gilson, Howe, Miner, Morse, Palmer, Russell, Townsley, Wheatley, and Wheelock.—15.

So the amendment was lost.

On the question "Shall the bill pass?" the yeas and nays having been demanded by Mr. Dana, were as follows:

Those who voted in the affirmative are,

Messrs. Bates, Bottum, Chipman, Clark, Crawford, Dana, Dean, Eaton of Franklin, Fletcher, Gilson, Howe, Miner, Morse, Norton, Palmer, Russell, Short, Swift, Townsley, Wheatley, Wheelock, and Wooster.—22.

Those who voted in the negative are,

Messrs. Adams, Butler, Eaton of Washington, and Foster.—4.

So the bill passed.

A message from the House of Representatives, by Mr. Washburn, their Assistant Clerk:

MR. PRESIDENT:—The House concur with the Senate in passing a bill (S. 26) entitled "an act granting to Sally Fuller a premium on woven silk;"

(H. 30.) And also in the amendment of the Senate to the bill entitled "an act relating to evidence."

The House have passed a resolution for a joint assembly to elect a Brigadier General; and bills of the following titles, in which they ask the concurrence of the Senate:

(H. 98.) "An act granting a ferry to Azem Niles,"

(H. 12.) "An act in addition to section 14, Chapter 26, of the Revised Statutes;"

- (H. 68.) "An act to pay John Brill the sum therein mentioned;"  
 (H. 90.) "An act to pay Lawrence Brainerd and others the sum therein mentioned;"  
 (H. 108.) "An act in addition to an act regulating and governing the militia of this State;"  
 (H. 106.) "An act laying a tax on the lands in Readsboro' ;"  
 (H. 104.) "An act to pay George A. Allen the sum therein mentioned;"  
 (H. 75.) "An act relating to the sale of intoxicating drinks;"  
 (H. 76.) "An act annexing part of Monroe to Walden;"  
 (H. 102.) "An act extending the charter of the Bank of Caledonia;"  
 (H. 101.) "An act extending the charter of the Bank of Rutland;" and  
 (H. 103.) "An act extending the charter of the Bank of Vergennes."

The bills from the House of Representatives, above mentioned, were severally read the first and second times, and referred as follows:

- (H. 101.) "An act extending the charter of the Bank of Rutland,"  
 (H. 102.) "An act extending the charter of the Bank of Caledonia," and  
 (H. 103.) "An act extending the charter of the Bank of Vergennes,"  
 To the committee on Banks.  
 (H. 68.) "An act to pay John Brill the sum therein mentioned,"  
 (H. 104.) "An act to pay George A. Allen the sum therein mentioned,"  
 and  
 (H. 90.) "An act to pay Lawrence Brainerd and others the sum therein mentioned,"

To the committee on Claims.

- (H. 75.) "An act relating to the sale of intoxicating drinks,"  
 (H. 76.) "An act annexing part of Monroe to Walden," and  
 (H. 12.) "An act in addition to section 14, chapter 26, of the Revised Statutes,"

To the committee on the Judiciary.

- (H. 98.) "An act granting a ferry to Azem Niles,"

To the committee on Roads and Canals.

- (H. 106.) "An act laying a tax on the lands in Readsboro' ;"

To the committee on Land Taxes.

- (H. 108.) "An act in addition to an act regulating and governing the militia of this State,"

To the committee on Military Affairs.

A resolution from the House of Representatives, as follows:

*Resolved*, by the Senate and House of Representatives, That the two Houses meet in joint assembly, on Thursday next, at 3 o'clock P. M., to elect a Brigadier General, to supply the vacancy occasioned by the promotion of Brig. Gen. John Nason.

Which was read and passed.

On motion of Mr. Morsee,

He was excused from the service of the Senate, from and after to-morrow morning.

On motion of Mr. Crawford,

He was excused from the service of the Senate, from and after to-morrow morning.

(S. 37.) Mr. Miner, from the committee on the Judiciary, to whom was referred the resolution introduced by Mr. Butler, relative to a Senator from



Lamoille County, reported a bill entitled "an act apportioning Senators among the several counties in this State,"

Which was read the first and second times, and

*Ordered*, To be engrossed and read the third time.

(S. 36.) Mr. Eaton of Franklin called up the bill entitled "an act relating to a geological survey of the State," and the rule requiring the same to be engrossed was suspended,

And the bill was read the third time and passed.

The Senate adjourned.

#### AFTERNOON.

Mr. Gilson, from the committee on bills, reported that the following bills have this day been presented to the Governor, for his approval and signature:

(H. 56.) "An act granting a ferry to Sally Sowles."

(H. 66.) "An act laying a tax on the lands in Worcester."

(H. 48.) "An act to pay Enoch Pomeroy the sum therein mentioned."

(H. 67.) "An act to pay Edward H. Aiken the sum therein mentioned."

(H. 94.) "An act to repeal an act incorporating the Otter Creek Tow Path Company."

(S. 26.) "An act granting to Sally Fuller a premium on woven silk."

(H. 64.) "An act to alter the 7th section of the 82d chapter of the Revised Statutes."

(H. 30.) "An act relating to evidence."

(H. 50.) "An act relating to banks."

(H. 101.) Mr. Townsley, from the committee on Banks, to whom was referred the bill from the House, entitled "an act extending the charter of the Bank of Rutland," reported the same without amendment.

Mr. Bates moved to amend the same by striking out the word "fifty," and inserting the word "forty," in the 1st section,

Which motion was decided in the negative.

Mr. Butler moved to lay the bill on the table,

Which motion was lost.

Mr. Butler moved to amend by adding the following section:

"Sec. 8. An act entitled 'an act rechartering the Bank of Rutland,' approved the first day of November, eighteen hundred and twenty-four, is hereby repealed."

And on the question "Will the Senate adopt the amendment?" the yeas and nays having been demanded by Mr. Butler, were as follows:

Those who voted in the affirmative are,

Messrs. Butler and Eaton of Washington.—2.

Those who voted in the negative are,

Messrs. Adams, Bates, Botnam, Chipman, Clark, Crawford, Dana, Dean,

Eaton of Franklin, Fletcher, Foster, Gilson, Howe, Miner, Morse, Norton, Palmer, Russell, Short, Townsley, Wheatley, Wheelock, and Wooster.—  
23.

So the question was decided in the negative.

And the bill was ordered to be read the third time, and the rule requiring the intervention of twenty-four hours being suspended, it was read the third time and passed.

A message from the House of Representatives, by Mr. Merrill their clerk:

MR. PRESIDENT:—The House concur with the Senate in their amendments to the bill (H. 50) entitled "an act relating to banks."

(S. 9.) Also, in passing the bill entitled "an act to prevent damage which may be occasioned by lumber, to owners of land lying on and adjoining Connecticut River."

(H. 95.) The House have passed a bill entitled "an act in addition to the several acts regulating and governing the militia of this State," in which they ask the concurrence of the Senate.

Mr. Townsley, from the committee on Banks, to whom were referred the several bills from the House of Representatives, entitled

(H. 102.) "An act extending the charter of the Bank of Caledonia," and

(H. 103.) "An act extending the charter of the Bank of Vergennes,"

Reported the same without amendment, and they were severally

*Ordered*, To be read the third time.

And the rule requiring the intervention of twenty-four hours being suspended,

The said bills were read the third time and passed.

(H. 28.) Mr. Clark, from the committee on Claims, to whom was referred the bill from the House of Representatives, entitled "an act to pay A. D. Arms the sum therein mentioned," reported the same without amendment, and it was

*Ordered*, To be read the third time.

On motion of Mr. Adams,

The vote of the Senate ordering the bill to be read the third time, was reconsidered, and

The bill was recommitted.

A message from the House of Representatives, by Mr. Washburn, their Assistant Clerk:

MR. PRESIDENT: The House have passed bills of the following titles:

(H. 112.) "An act to incorporate the president, directors, and company, of the Bank of Montpelier."

(H. 97.) "An act appropriating the sum therein mentioned to defray the expenses of a Council of Censors."

(H. 73.) "An act to pay N. Haskell and Augustus Palmer the sum therein mentioned."

(H. 113.) "An act in addition to chapter 2d of the Revised Statutes."

(H. 105.) "An act relative to Engine Company No. 3, in Burlington."

(H. 91.) "An act making an appropriation to the Vermont Asylum for the Insane."

(H. 100.) "An act to incorporate the president, directors, and company, of the Bank of Poultney."

In which they ask the concurrence of the Senate.

(S. 38.) Mr. Adams, from the committee on Finance, to whom was referred so much of His Excellency's message as relates to the State Prison, reported a bill entitled "an act relating to the State prison,"

Which was read the first and second times, and  
*Ordered*, To be engrossed and read the third time.

(H. 12.) Mr. Miner, from the committee on the Judiciary, to whom was referred the bill from the House of Representatives, entitled "an act in addition to section 14, chapter 26, of the Revised Statutes," reported in favor of the same, and it was

*Ordered*, To be read the third time.

(S. 32.) Mr. Miner, from the committee on the Judiciary, to whom was referred the bill entitled "an act to amend chapter 29 of the Revised Statutes," reported adversely to the passage thereof,

And it was indefinitely postponed.

The following bills from the House of Representatives were severally read the first and second times, and referred as follows:

(H. 105.) "An act relative to Engine Company No. 3, in Burlington,"  
 To the committee on Military Affairs.

(H. 91.) "An act making an appropriation to the Vermont Asylum for the Insane,"

To the committee on Finance.

(H. 73.) "An act to pay N. Haskell and Augustus Palmer the sum therein mentioned,"

To the committee on Claims.

(H. 97.) "An act appropriating a sum therein mentioned to defray the expenses of the Council of Censors,"

To the committee on Finance.

(H. 113.) "An act in addition to chapter 2d of the Revised Statutes,"

To the committee on Finance.

(H. 112.) "An act to incorporate the president, directors, and company, of the Bank of Montpelier,"

To the committee on Banks.

(H. 100.) "An act to incorporate the president, directors, and company, of the Bank of Poultney,"

To the committee on Banks.

(S. 37.) Mr. Butler called up the engrossed bill entitled "an act apportioning Senators among the several counties of this State," and on his motion, the rule requiring the intervention of twenty-four hours was suspended, and

The bill was read the third time, and passed.

(S. 35.) The Senate took up the engrossed bill entitled "an act granting a premium on woven silk,"

And it was read the third time and passed.

(S. 34.) The Senate took up the engrossed bill entitled "an act relating to the militia,"

And it was read the third time and laid on the table.

(S. 34.) Mr. Adams called up the bill entitled "an act relating to the militia," and

Mr. Clark moved that the same be indefinitely postponed.

Upon which question, the yeas and nays having been demanded by Mr. Bates, were as follows:

Those who voted in the affirmative are,  
Messrs. Bates, Butler, Clark, Crawford, Eaton of Franklin, Eaton of Washington, Foster, Gilson, Howe, Short, Wheatley, and Wheslock.—12.  
Those who voted in the negative are,  
Messrs. Adams, Chipman, Dean, Fletcher, Miner, Norton, Palmer, Russell, Swift, Townsley, and Wooster.—11.

So the motion prevailed, and the bill was indefinitely postponed.

Mr. Townsley moved that when the Senate adjourn, it adjourn to meet at 7 o'clock this evening.

Which motion was agreed to.

Mr. Gilson, from the committee on Bills, reported that the following bills have this day been presented to the Governor, for his approval and signature:

(H. 57.) "An act granting a ferry to Joseph Mott, Joseph M. Mott, and Danforth Mott."

(H. 101.) "An act extending the charter of the Bank of Rutland."

(H. 102.) "An act extending the charter of the Bank of Caledonia."

(H. 103.) "An act extending the charter of the Bank of Vergennes."

On motion of Mr. Bates,  
The Senate adjourned.

#### EVENING.

A message from the House of Representatives, by Mr. Merrill, their clerk:

MR. PRESIDENT: The House have passed a resolution for suspending a joint rule.

Also a resolution for publishing the proceedings of the joint assembly.

Also bills of the following titles, in which they ask the concurrence of the Senate:

(H. 89.) "An act to pay Emery Melendy the sum therein mentioned."

(H. 83.) "An act making appropriations for the support of government."

(H. 114.) "An act to pay Abel Drury the sum therein mentioned."

(H. 85.) "An act authorizing the Treasurer to borrow the sum therein mentioned."

(H. 29.) "An act relating to sheep infected with the scab."

(H. 79.) "An act to extend the right of trial by jury."

(H. 84.) "An act assessing a tax for the support of government."

(S. 27.) The House concur with the Senate in passing the bill entitled "an act to extend the charter of the Bank of Bennington."

(S. 17.) Also the bill entitled "an act extending the jurisdiction of justices of the peace," with a proposal of amendment, in which they ask the concurrence of the Senate.

A resolution from the House of Representatives, as follows:

*Resolved*, by the Senate and House of Representatives, That the 13th joint rule of the Senate and House of Representatives, which provides that no bill shall be sent from one House to the other, for concurrence, on either of the last two days of the session, be suspended, so as to allow bills and resolutions to be sent and received on the last day but one of the session.

Which was read and laid on the table.

(S. 34.) Mr. Crawford moved to reconsider the vote to postpone indefinitely the bill entitled "an act relating to the militia."

And on this question, the yeas and nays having been demanded by Mr. Clark, were as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Chipman, Crawford, Dean, Fletcher, Miner, Norton, Palmer, Russell, Short, Swift, Townsley, Wheelock, and Wooster.—14.

Those who voted in the negative are,

Messrs. Bates, Bottum, Butler, Clark, Eaton of Franklin, Eaton of Washington, Foster, Gilson, Howe, Morse, and Wheatley.—11.

So the motion prevailed,

And the motion to postpone having been withdrawn,

Mr. Adams moved to commit the bill to a Senator, for a specific amendment,

Which motion prevailed, and

The President appointed Mr. Adams to perform that duty, who reported the same to the Senate, amended, as instructed.

And on the question "Shall the bill pass, as amended?" the yeas and nays having been demanded by Mr. Clark, were as follows:

Those who voted in the affirmative are,

Messrs. Adams, Chipman, Crawford, Dean, Fletcher, Miner, Norton, Palmer, Russell, Short, Swift, and Townsley.—12.

Those who voted in the negative are,

Messrs. Bates, Bottum, Butler, Clark, Eaton of Franklin, Eaton of Washington, Gilson, Howe, Morse, Wheatley, Wheelock, and Wooster.—12.

Mr. Eaton of Franklin being in the chair, and voting with those who voted in the negative, and the Senate being equally divided, the question was decided in the negative.

(H. 95.) The Senate took up the bill from the House, entitled "an act in addition to the several acts regulating and governing the militia of this State," and it was read the first and second times, and referred to the committee on Military Affairs.

(H. 28.) Mr. Clark, from the committee on Claims, to whom had been recommitted the bill from the House, entitled "an act to pay A. D. Arms the sum therein mentioned," reported the same with an amendment, which was adopted by the Senate, and it was

*Ordered*, To be read the third time.

Thereupon, it was read the third time and passed.

(H. 105.) Mr. Adams, from the committee on Finance, to whom was referred the bill from the House, entitled "an act relative to Engine Company number three, in Burlington," reported the same without amendment, And it was read the third time and passed.

The following bills from the House, were severally read the first and second times, and referred as follows:

(H. 89.) "An act to pay Emery Melenda, the sum therein mentioned," to the committee on Claims;

(H. 114.) "An act to pay Abel Drury the sum therein mentioned;"

(H. 83.) "An act making appropriations for the support of Government;"

(H. 85.) "An act authorizing the treasurer to borrow the sum therein mentioned," and

(H. 84.) "An act assessing a tax for the support of Government," to the committee on Finance;

(H. 79.) "An act to extend the right of trial by jury," and

(H. 99.) "An act to regulate the choice of a Council of Censors," to the committee on the Judiciary;

(H. 29.) "An act relating to sheep infected with the scab," to the committee on Agriculture.

(H. 55.) The Senate resumed consideration of the bill from the House, entitled "an act granting a ferry to Tabor I. Sewell,"

And it was read the third time and passed. ;

(H. 73.) Mr. Clark, from the committee on Claims, to whom was referred the bill from the House, entitled "an act to pay N. Haskell and Augustus Palmer the sum therein mentioned," reported the same without amendment, and it was read the third time.

And on the question, Shall the bill pass? the yeas and nays, having been demanded by Mr. Bates, were as follows:

Those who voted in the affirmative, are,

Messrs. Butler, Clark, Crawford, Dean, Eaton of Franklin, Eaton of Washington, Gilson, Miner, Morse, Norton, Palmer, Russell, Short, Wheatley, Wheelock and Wooster—16.

Those who voted in the negative, are,

Messrs. Adams, Bates, Bottum, Chipman, Fletcher, Foster, Howe, Swift and Townsley—9.

So the bill passed.

(S. 39.) Mr. Miner introduced a bill entitled "an act in favor of Isaac Pollard,"

And it was read the first and second times and referred to the committee on Claims.

A resolution from the House, as follows:

*Resolved*, by the Senate and House of Representatives, That the Secretary of State be directed to furnish the clerk of the House of Representatives with a copy of the proceedings of the joint assembly, during the present session of the Legislature, and that the same be published with the Journal of the House.

Which was read and laid on the table.

(H. 91.) Mr. Norton, from the committee on Finance, to whom was referred the bill from the House, entitled "an act making an appropriation for the Vermont Asylum for the Insane," reported the same without amendment, and it was read the third time.

And on the question, Shall the bill pass? the yeas and nays, having been demanded by Mr. Morse, were as follows:

Those who voted in the affirmative, are,  
Messrs. Adams, Bates, Butler, Chipman, Crawford, Dean, Eaton of Franklin, Eaton of Washington, Fletcher, Gilson, Norton, Palmer, Russell, Short, Townsley, Wheatley, and Wheelock—17.

Those who voted in the negative, are,  
Messrs. Bottum, Clark, Foster, Howe, Miner and Morse—6.  
So the bill passed.

(H. 75.) Mr. Miner, from the committee on the Judiciary, to whom was referred the bill from the House, entitled "an act relating to the sale of intoxicating drinks," reported adversely to the passage of the same.

And the question, Shall the bill be read the third time? was decided in the negative.

(S. 23.) The Senate resumed consideration of the bill entitled "an act to pay Moses L. Church the sum therein mentioned," and on motion, the same was indefinitely postponed.

(S. 22.) The Senate took up the bill entitled "an act relating to town records," and the third reading of the same was denied.

(S. 17.) The bill entitled "an act extending the jurisdiction of justices of the peace," was taken up by the Senate.

And the question, Will the Senate concur with the House in the amendment proposed? which is to strike out section third from said bill, was decided in the affirmative.

(S. 39.) Mr. Clark, from the committee on claims, to whom was referred the bill entitled "an act in favor of Isaac Pollard," reported the same without amendment.

On motion of Mr. Miner,

The blank in said bill was filled by the words "one hundred."

And the question, Shall the bill be engrossed and read the third time? was decided in the negative.

(S. 25.) Mr. Short, from the select committee to whom was referred the bill entitled "an act relating to the Essex Bank," reported the same, and on his motion, it was indefinitely postponed.

(H. 100.) The Senate resumed consideration of the bill from the House, entitled "an act to incorporate the President, Directors and Company of the Bank of Poultney," and

On motion of Mr. Miner,

It was laid on the table.

The Senate adjourned.

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THURSDAY, OCT. 29, 1840

(H. 106.) Mr. Dean, from the committee on Land Taxes, to whom was referred the bill from the House, entitled "an act laying a tax on the lands in Readsboro'," reported the same without amendment.

And it was read the third time and passed.

(H. 12.) The Senate resumed consideration of the bill from the House, entitled "an act in addition to section fourteen, chapter twenty-six, of the Revised Statutes."

And it was read the third time and passed.

(H. 113.) Mr. Adams, from the committee on Finance, to whom was referred the bill from the House, entitled "an act in addition to chapter second of the Revised Statutes," reported the same without amendment.

And it was read the third time and passed.

(H. 98.) Mr. Bottum, from the committee on Roads and Canals, to whom was referred the bill from the House, entitled "an act granting a ferry to Azem Niles," reported the same without amendment.

And it was read the third time and passed.

(H. 97.) Mr. Adams, from the committee on Finance, to whom was referred the bill from the House, entitled "an act appropriating a sum therein mentioned to defray the expenses of the Council of Censors," reported the same with an amendment, which was adopted by the Senate.

And the bill was read the third time and passed.

(H. 99.) Mr. Miner, from the committee on the Judiciary, to whom was referred the bill from the House, entitled "an act to regulate the choice of a Council of Censors," reported the same without amendment.

And it was read the third time and passed.

(S. 38.) The Senate resumed consideration of the bill entitled "an act relating to the State Prison."

And it was read the third time and passed.

(H. 100.) Mr. Clark called up the bill from the House, entitled "an act to incorporate the President, Directors and Company of the Bank of Poultney."

And on the question, Shall the bill be read the third time? the yeas and nays having been demanded by Mr. Clark, were as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Bottum, Chipman, Clark, Dean, Eaton of Washington, Gilson, Norton, Russell, Swift and Wooster—11.

Those who voted in the negative, are,

Messrs. Bates, Eaton of Franklin, Foster, Howe, Palmer, Short, Townsley, Wheatley and Wheelock—9.

So the bill was ordered to the third reading, and it was read the third time.

And the question being stated, Shall the bill pass? Mr. Clark demanded the yeas and nays, which were as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Bottum, Chipman, Clark, Dean, Eaton of Washington, Gilson, Miner, Norton, Russell, Swift and Wooster—12.

Those who voted in the negative, are,

Messrs. Bates, Butler, Eaton of Franklin, Fletcher, Foster, Howe, Palmer, Short, Townsley, Wheatley and Wheelock—11.

So the bill passed.

(H. 112.) Mr. Townsley, from the committee on Banks, to whom was



referred the bill from the House, entitled "an act to incorporate the President, Directors and Company of the Bank of Montpelier," reported the same with amendments, which were adopted by the Senate.

Mr. Bates moved to amend by striking out from the first section the word "eight," and inserting the word "seven," after the word "fifty."

Which motion was adopted.

And on the question, Shall the bill be read the third time? the yeas and nays, being demanded by Mr. Bates, were as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Bates, Bottum, Chipman, Clark, Dean, Eaton of Franklin, Eaton of Washington, Fletcher, Foster, Gilson, Howe, Miner, Norton, Palmer, Russell, Townsley, Wheatley, Wheelock and Wooster—20.

Those who voted in the negative, are,

Messrs. Butler and Swift—2.

So it was decided in the affirmative.

A message from the House of Representatives, by Mr. Washburn, their assistant clerk:

MR. PRESIDENT: The House concur in the amendments proposed by the Senate to the bill (H. 97.) entitled "an act appropriating a sum therein mentioned to defray the expenses of the Council of Censors."

(S. 35.) They also concur with the Senate in passing the bill entitled "an act granting a premium on woven silk," and have passed a bill entitled

(H. 59.) "An act in amendment of the forty-third chapter of the Revised Statutes," in which they ask the concurrence of the Senate.

The Senate adjourned.

#### AFTERNOON.

Mr. Townsley introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, that both houses meet in joint assembly, at three o'clock this afternoon, to elect an agent to settle the affairs of the Vermont State Bank.

Which was read and passed.

(H. 108.) Mr. Clark, from the committee on Military Affairs, to whom was referred the bill from the House, entitled "an act in addition to an act regulating and governing the militia of this state," reported the same without amendment.

And it was read the third time and passed.

(H. 95.) Mr. Clark, from the same committee, reported the bill from the House, entitled "an act in addition to several acts regulating and governing the Militia of this state," and it was read the third time.

And on the question, Shall the bill pass? the yeas and nays, having been demanded by Mr. Clark, were as follows:

Those who voted in the affirmative, are,  
Messrs. Bottum, Clark, Dean, Eaton of Franklin, Eaton of Wash-  
ington, Foster, Gilson, Norton, Townsley, Wheatley and Wooster.—12.

Those who voted in the negative, are,  
Messrs. Adams, Howe, Miner, Palmer, Russell, Short and Swift.—7.  
So the bill passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House concur with the Senate in passing bills of the following titles:

(S. 33.) "An act altering the names of certain persons."

(S. 38.) "An act relating to the State Prison."

(S. 20.) "An act to repeal a part of the first section of chapter 13 of the act regulating and governing the militia."

Also in passing a resolution for a joint assembly to elect an Agent to settle the affairs of the Vermont State Bank.

(H. 115.) The House have also passed a bill entitled "an act in addition to chapter 8 of the Revised Statutes," in which they ask the concurrence of the Senate.

(H. 115.) The bill from the House, entitled "an act in addition to chapter 8 of the Revised Statutes," was read the first and second times, and referred to the committee on the Judiciary.

(H. 76.) Mr. Miner, from the committee on the Judiciary, to whom was referred the bill from the House, entitled "an act annexing part of Monroe to Walden," reported the same, without amendment, and the third reading of the same was denied.

(H. 24.) Mr. Miner, from the committee on the Judiciary, to whom was referred the bill from the House, entitled "an act to pay the town of Alburgh the sum therein mentioned," asked to be discharged from the further consideration thereof, which was granted, and the bill was referred to the committee on Claims.

(H. 68.) Mr. Clark, from the committee on Claims, to whom was referred the bill from the House, entitled "an act to pay John Brill the sum therein mentioned," reported the same, without amendment;

And the question "Shall the bill be read the third time?" was decided in the negative.

(H. 29.) Mr. Foster, from the committee on Agriculture, to whom was referred the bill from the House, entitled "an act relating to sheep infected with the scab," reported the same without amendment, and it was read the third time and passed.

(H. 112.) The Senate took up the bill from the House, entitled "an act to incorporate the president, directors, and company of the Bank of Montpelier," and it was read the third time;

And on the question "Shall the bill pass?" the yeas and nays having been demanded by Mr. Bates, were as follows:

Those who voted in the affirmative are,

Messrs. Adams, Bottum, Chipman, Clark, Dean, Eaton of Franklin, Eaton of Washington, Fletcher, Foster, Gilson, Howe, Miner, Palmer, Russell, Short, Townsley, Wheatley, Wheelock, and Wooster.—19.

Those who voted in the negative are,  
Messrs. Bates, Butler, and Swift.—3.  
So the bill passed.

Mr. Adams, from the committee on Finance, reported the following bills from the House of Representatives, which were severally read the third time and passed, to wit:

- (H. 77.) "An act in addition to chapter 8 of the Revised Statutes."
- (H. 84.) "An act assessing a tax for the support of government."
- (H. 85.) "An act authorizing the Treasurer to borrow the sum therein mentioned."

(H. 83.) Mr. Adams, from the same committee, reported the bill from the House, entitled "an act making appropriations for the support of government," without amendment.

Mr. Butler moved to amend the same, by striking out the third section; Which motion prevailed, and the bill was read the third time and passed.

(H. 20.) Mr. Adams, from the same committee, reported adversely to the passage of the bill from the House, entitled "an act to pay Rufus Campbell the sum therein mentioned,"

And it was rejected.

(H. 114.) Mr. Adams, from the same committee, asked that they be discharged from the further consideration of the bill from the House, entitled "an act to pay Abel Drury the sum therein mentioned."

The request was granted, and the question "Shall the bill be read the third time?" was decided in the negative.

(H. 115.) The bill from the House, entitled "an act in addition to chapter 8 of the Revised Statutes," was read the first and second times, and referred to the committee on the Judiciary.

(S. 40.) Mr. Clark introduced a bill entitled "an act relating to banks," which was read the first and second times, and on his motion, the rule was suspended, and the engrossing thereof dispensed with, and the bill was read the third time and passed.

(H. 79.) Mr. Wooster, from the committee on the Judiciary, to whom was referred the bill from the House of Representatives, entitled "an act to extend the right of trial by jury," reported the same without amendment.

And the same was read the third time, and passed.

(H. 24.) Mr. Clark, from the committee on Claims, reported the bill from the House of Representatives, entitled "an act to pay the town of Alburgh the sum therein mentioned," with a proposition to amend the same by striking out the second section, and inserting the following in lieu thereof:

"SEC. 2. The aforesaid sum shall be drawn by the selectmen of said town, who shall pay, or cause to be paid, the several sums allowed by the Committee on Military Affairs of the House of Representatives, to the several individuals named in the muster roll of the volunteer company of militia, raised by said town for the defence of the northern frontier, in the spring of A. D. 1839; and shall also pay the several individuals whose claims, for transporting arms and for other services, were allowed by said committee, the sums to which they are respectively entitled; and the

Clerk of the House of Representatives is hereby directed to furnish said selectmen with a copy of said muster roll, and the names of the several claimants, and of the sums allowed to each person by said committee; and it shall be the duty of said selectmen to procure receipts for the money so paid, and to lodge the same, together with the muster roll, duly certified, in the office of the Treasurer of this State."

Which amendment was adopted, and

The bill was read the third time and passed.

Mr. Bottum, from the committee to whom were referred the resolutions from the State of New Jersey, submitted a report and resolutions,

Which were read, and

Mr. Eaton of Franklin moved that the same be laid upon the table.

Which motion was lost.

And on the question "Shall the resolutions pass?" the yeas and nays having been demanded by Mr. Miner, were as follows:

Those who voted in the affirmative are,

Messrs. Adams, Bates, Bottum, Chipman, Clark, Dean, Eaton of Franklin, Fletcher, Foster, Gilson, Miner, Norton, Palmer, Russell, Short, Townsley, Wheatley, Wheelock, and Wooster.—19.

Those who voted in the negative are,

Messrs. Butler and Eaton of Washington.—2.

So the resolutions were passed.

Mr. Adams moved, that when the Senate do adjourn, it adjourn to meet at seven o'clock this evening.

Which motion was agreed to, and

On motion of Mr. Miner,

The Senate adjourned.

#### EVENING.

(H. 104.) Mr. Clark, from the committee on Claims, reported the bill from the House of Representatives, entitled "an act to pay George A. Allen the sum therein mentioned," without amendment.

And it was read the third time and passed.

(H. 90.) Mr. Clark, from the same committee, reported the bill from the House, entitled "an act to pay Lawrence Brainerd and others the sum therein mentioned," and, on motion,

It was laid on the table.

(H. 65.) Mr. Clark, from the same committee, reported the bill from the House, entitled "an act to pay Kiah Bailey the sum therein mentioned."

And the question "Shall the bill be read the third time?" was decided in the negative.

A message from the House of Representatives, by Mr. Washburn, the Assistant Clerk:

MR. PRESIDENT: The House have passed a bill (H. 37) entitled "an act relating to State Prison accounts."

(S. 40.) Also the bill from the Senate entitled "an act relating to banks,"

(S. 3.) And "an act to provide for ascertaining and surveying the boundary line between Bennington and Windham counties," with proposals of amendment, in which they ask the concurrence of the Senate.

(H. 83.) The House concur with the Senate in their amendment to the bill entitled "an act making appropriations for the support of government,"

And they do not concur in passing bills of the following titles:

(S. 36.) "An act relating to a geological survey of the State," and

(S. 37.) An act apportioning Senators among the several counties in this State."

Mr. Clark, from the committee on Claims, reported adversely to the passage of the bills from the House, entitled

(H. 89.) "An act to pay Emery Melendy the sum therein mentioned;"

(H. 48.) "An act to pay Enoch Pomeroy the sum therein mentioned;"

And they were severally rejected.

Mr. Clark, from the select committee to whom were referred the resolutions from the General Assembly of North Carolina, and the resolutions, remonstrance, &c., from the citizens of the District of Columbia, reported the opinion of the committee that no legislative action is necessary thereon.

Mr. Miner, from the committee on the Judiciary, reported that no action is necessary on the several bills referred to that committee, relative to altering the names of certain persons, the same having been included in a general bill.

(H. 37.) The bill from the House of Representatives, entitled "an act relating to State Prison accounts," was read the first and second times, and referred to the committee on the Judiciary.

(H. 59.) The bill from the House, entitled "an act in amendment of the 43d chapter of the Revised Statutes," was read the first and second times, and referred to the committee on the Judiciary.

A resolution from the House, as follows:

*Resolved*, by the Senate and House of Representatives, That the Secretary of State be directed to furnish the Clerk of the House of Representatives with a copy of the proceedings of the joint assembly, during the present session of the Legislature, and that the same be published with the journal of the House.

Which was amended, by adding after the word "Legislature," the words "excepting the names and election of county officers."

And as amended, it passed.

Mr. Eaton of Franklin, from the select committee appointed to examine the State Library, reported the following resolutions:

*Resolved*, by the Senate and House of Representatives, that our Delegates in Congress be respectfully requested to furnish to the Librarian, for the use of the State Library, a copy of all such Congressional documents

and speeches as may be published in pamphlet form, from time to time during the session of Congress.

*Resolved*, That the Secretary of State be instructed to forward a copy of the above resolution to each of our delegates in Congress.

Which were read and passed.

Mr. Eaton, from the committee on Education, to whom were referred the resolutions relative to distributing the School Fund, reported that, in the opinion of the committee, no legislation is necessary thereon.

Mr. Eaton, from the committee on Education, to whom was referred the resolution from the House, relative to collecting the School Fund, reported the same, and it was read and passed.

On motion of Mr. Butler,

(H. 76.) The Senate reconsidered the vote by which the third reading of the bill from the House of Representatives, entitled "an act annexing part of Monroe to Walden," was denied, and

On motion of Mr. Eaton of Franklin,

The said bill was amended by adding a proviso thereto.

Whereupon it was read the third time and passed.

A message from the House of Representatives, by Mr. Washburn, their Assistant Clerk:

MR. PRESIDENT: The House concur in the several amendments proposed by the Senate to the bills entitled

(H. 28.) "An act to pay A. D. Arms the sum therein mentioned;"

(H. 112.) "An act to incorporate the President, Directors and Company of the bank of Montpelier," and

(H. 24.) "An act to pay the town of Alburgh the sum therein mentioned."

The House do not concur with the Senate in passing bills of the following titles:

(S. 18.) "An act concerning the Union of School Districts," and

(S. 31.) "An act to amend the sixty-third section of chapter twenty-eight of the Revised Statutes."

(H. 59.) Mr. Miner, from the committee on the Judiciary, to whom was referred the bill from the House, entitled "an act in amendment of the forty-third chapter of the Revised Statutes," reported the same with an amendment, which was adopted.

And the said bill was read the third time and passed.

(H. 115.) Mr. Wooster, from the committee on the Judiciary, to whom was referred the bill from the House of Representatives, entitled "an act in addition to chapter eight of the Revised Statutes," reported the same, with a proposition to amend by inserting the word "fifty" between the words "one hundred," and "dollars," which was adopted.

And the bill was read the third time and passed.

(H. 90.) The Senate took up the bill from the House of Representatives, entitled "an act to pay Lawrence Brainard and others the sum therein mentioned."

And the question, Shall the bill be read the third time? was decided in the negative.

A message from the Governor, by Mr. Manser, Secretary of Civil and Military Affairs:

MR. PRESIDENT: His Excellency the Governor has approved and signed bills of the following titles:

(S. 9.) "An act to prevent damage which may be occasioned by lumber to owners of land lying on and adjoining Connecticut River;"

(S. 10.) "An act relating to the Grand List;"

(S. 17.) "An act extending the jurisdiction of justices of the peace;"

(S. 19.) "An act relating to highways;"

(S. 20.) "An act to repeal a part of the first section of chapter thirteen of the act regulating and governing the militia;"

(S. 26.) "An act granting to Sally Fuller a premium on woven silk;"

(S. 27.) "An act to extend the charter of the Bank of Bennington;"

(S. 33.) "An act altering the names of certain persons;"

(S. 35.) "An act granting a premium on woven silk;"

(S. 38.) "An act relating to the State's Prison."

(H. 89.) The Senate resumed consideration of the bill from the House, entitled "an act to pay Emery Melendy the sum therein mentioned," and the question, Shall the bill be read the third time? was decided in the negative.

(S. 3.) The Senate considered the amendments proposed by the House to the bill entitled "an act to provide for surveying and ascertaining the boundary line between the counties of Bennington and Windham," which are as follows:

To strike out the words "Luther Park of Bennington," and insert the words "Nathan H. Bottum of Shaftsbury," and to strike out the words "Henry Wheelock of Newfane," and insert in lieu the words "John Smith of Putney."

Also to strike out the words "Peter R. Taft of Townshend," and insert the words "Obadiah Noble of Tinmouth, in the county of Rutland."

And the question, Will the Senate concur in the proposed amendments? was decided in the affirmative, and the bill was laid on the table.

(H. 37.) Mr. Miner, from the committee on the Judiciary, reported the bill from the House of Representatives, entitled "an act relating to State Prison accounts," with a proposition to amend by striking out the third section and inserting another, which provides for paying the superintendent a salary of six hundred and fifty dollars per year.

Mr. Butler moved to amend the amendment by striking out \$650 and inserting \$500, and on this question demanded the yeas and nays, which were as follows:

Those who voted in the affirmative, are,

Messrs. Butler and Eaton of Washington—2.

Those who voted in the negative, are,

Messrs. Adams, Bottum, Chipman, Clark, Eaton of Franklin, Fletcher, Foster, Gilson, Miner, Norton, Palmer, Russell, Short, Townsley, Wheatley, Wheelock, and Wooster—17.

So the motion was lost.

The amendment proposed by Mr. Miner was adopted by the Senate, and the bill was read the third time.

And on the question, Shall the bill pass? the yeas and nays, having been demanded by Mr. Butler, were as follows:

Those who voted in the affirmative are,

Messrs. Adams, Bates, Bottum, Chipman, Clark, Dean, Eaton of Frank-

lin, Fletcher, Foster, Gilson, Miner, Norton, Palmer, Russell, Short, Townsley, Wheatley, Wheelock and Wooster—22.

Those who voted in the negative, are,  
Messrs. Butler and Eaton of Washington—2.  
So the bill passed.

A message from the House of Representatives, by Mr. Washburn, their Assistant Clerk:

MR. PRESIDENT: The House concur with the Senate in passing a resolution relative to Congressional documents; and in the amendment of the Senate to the bill entitled

(H. 59.) "An act in amendment of the forty-third chapter of the Revised Statutes;"

And in the amendment of the Senate to the bill entitled

(H. 76.) "An act annexing part of Monroe to Walden."

(H. 115.) The House do not concur with the Senate in the amendment to the bill entitled "an act in addition to chapter eight of the Revised Statutes."

A message from the House of Representatives, by Mr. Washburn, their Assistant Clerk:

MR. PRESIDENT: The House have passed resolutions relative to the business distresses of the country, and a resolution for a settlement with Hon. Lebbeus Egerton.

They concur in the amendment to the act entitled

(H. 37.) "An act relating to State Prison accounts."

And adhere to their disagreement to the amendment of the Senate to the resolution for printing the proceedings of the joint assembly."

The Senate took up the resolutions from the House of Representatives, relative to the business distresses of the country, and the same were read and passed.

Mr. Adams introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That Robert Pierpoint of Rutland, and Allen Wardner of Windsor, be, and they hereby are, appointed a committee to repair to the State Prison, and there, together with the auditor of accounts, to settle and adjust the accounts of the superintendant of said prison, agreeably to the law of the present session.

Which was read and passed.

A resolution from the House of Representatives:

*Resolved*, by the Senate and House of Representatives, That the Treasurer of this state be directed to take immediate measures to settle with the Hon. Lebbeus Egerton, in respect to the monies belonging to the state now in his hands, and in the settlement of the same, to have reference to the sum heretofore allowed said Egerton by the Legislature, so far as relates to the compensation to be allowed to him, and provided settlement cannot be otherwise obtained on such terms, to proceed by suit to the collection of the same.

Which was read and passed.

(H. 115.) The Senate took up the bill entitled "an act in addition to chapter 8 of the Revised Statutes."



And on the question "Will the Senate recede from its amendment to the same?" it was decided in the negative.

So the Senate insisted on the amendment.

Mr. Gilson, from the committee on Bills, reported that the committee have this day presented to the Governor, for his approval and signature, bills of the following titles:

(S. 9.) "An act to prevent damage which may be occasioned by lumber to owners of land lying on and adjoining Connecticut River."

(S. 27.) "An act to extend the charter of the Bank of Bennington."

(H. 55.) "An act granting a ferry to Tabor I. Sewell."

(H. 91.) "An act making an appropriation to the Vermont Asylum for the Insane."

(H. 105.) "An act relative to Engine Company No. 3, in Burlington."

(H. 12.) "An act in addition to section 14, chapter 26, of the Revised Statutes."

(S. 17.) "An act extending the jurisdiction of justices of the peace."

(H. 73.) "An act to pay N. Haskell and Augustus Palmer the sum therein mentioned."

(H. 98.) "An act granting a ferry to Azem Niles."

(H. 99.) "An act to regulate the choice of a Council of Censors."

(H. 106.) "An act laying a tax on the lands in Readsboro'."

(H. 113.) "An act in addition to chapter 2d of the Revised Statutes."

(S. 35.) "An act granting a premium on woven silk."

(H. 97.) "An act appropriating the sum therein mentioned to defray the expenses of a Council of Censors."

(H. 100.) "An act to incorporate the president, directors, and company, of the Bank of Poultney."

(S. 20.) "An act to repeal a part of the first section of chapter 13 of the act regulating and governing the militia."

(S. 33.) "An act altering the names of certain persons."

(S. 38.) "An act relating to the State Prison."

(S. 40.) "An act relating to banks."

(H. 28.) "An act to pay A. D. Arms the sum therein mentioned."

(H. 29.) "An act relating to sheep infected with the scab."

(H. 77.) "An act in addition to chapter 8 of the Revised Statutes."

(H. 79.) "An act to extend the right of trial by jury."

(H. 83.) "An act making appropriations for the support of government."

(H. 85.) "An act authorizing the Treasurer to borrow the sum therein mentioned."

(H. 95.) "An act in addition to the several acts regulating and governing the militia of this State."

(H. 104.) "An act to pay George A. Allen the sum therein mentioned."

(H. 108.) "An act in addition to an act regulating and governing the militia of this State."

(H. 112.) "An act to incorporate the president, directors, and company, of the Bank of Montpelier."

(H. 84.) "An act assessing a tax for the support of government."

(H. 24.) "An act to pay the town of Alburgh the sum therein mentioned."

(H. 76.) "An act annexing part of Monroe to Walden."

(H. 59.) "An act in amendment of the 43d chapter of the Revised Statutes."

(H. 37.) "An act relating to State Prison accounts."

(H. 115.) "An act in addition to chapter 8 of the Revised Statutes."

A message from the House of Representatives, by Mr. Merrill, their clerk:

**MR. PRESIDENT:**—The House concur with the Senate in passing a resolution for a committee to adjust the accounts of the Superintendent of the State Prison.

(H. 115.) They recede from their disagreement to the bill entitled "an act in addition to chapter 8 of the Revised Statutes."

The Senate took up the resolution from the House of Representatives, relative to publishing the proceedings of the joint assembly.

And on the question "Will the Senate adhere to its amendment thereto?" it was decided in the affirmative.

So the amendment was adhered to.

Mr. Adams moved that a message be sent to the House of Representatives, to inform them that the Senate has no further business, and to request that the House inform the Senate whether it has any further communications to make.

Which motion was agreed to.

The Secretary transmitted the message.

Mr. Adams moved that a message be sent to His Excellency the Governor, to inform him that the Senate have no further business, and to request him to inform the Senate whether he has any further communications to make.

Which motion was agreed to, and

Mr. Adams was requested to transmit the message.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

**MR. PRESIDENT:** The House concur with the Senate in passing the resolutions relative to the proceedings of Congress in the case of the New Jersey members.

A message from the House of Representatives, by Mr. Hebard, a member:

**MR. PRESIDENT:**—I am instructed by the House of Representatives to inform the Senate, that the House has closed the business of the session, and has no further communications to make to the Senate.

A message from the Governor, by Mr. Manser, Secretary of Civil and Military Affairs:

**MR. PRESIDENT:** His Excellency the Governor has approved and signed the bill entitled "an act relating to banks."

And I am instructed by His Excellency to inform the Senate that he has no further communications to make.

The Senate adjourned.

And on the question "Will the Senate recede from its amendment to the same?" it was decided in the negative.

So the Senate insisted on the amendment.

Mr. Gilson, from the committee on Bills, reported that the committee have this day presented to the Governor, for his approval and signature, bills of the following titles:

(S. 9.) "An act to prevent damage which may be occasioned by lumber to owners of land lying on and adjoining Connecticut River."

(S. 27.) "An act to extend the charter of the Bank of Bennington."

(H. 55.) "An act granting a ferry to Tabor I. Sewell."

(H. 91.) "An act making an appropriation to the Vermont Asylum for the Insane."

(H. 105.) "An act relative to Engine Company No. 3, in Burlington."

(H. 12.) "An act in addition to section 14, chapter 26, of the Revised Statutes."

(S. 17.) "An act extending the jurisdiction of justices of the peace."

(H. 73.) "An act to pay N. Haskell and Augustus Palmer the sum therein mentioned."

(H. 98.) "An act granting a ferry to Azem Niles."

(H. 99.) "An act to regulate the choice of a Council of Censors."

(H. 106.) "An act laying a tax on the lands in Readsboro'."

(H. 113.) "An act in addition to chapter 2d of the Revised Statutes."

(S. 35.) "An act granting a premium on woven silk."

(H. 97.) "An act appropriating the sum therein mentioned to defray the expenses of a Council of Censors."

(H. 100.) "An act to incorporate the president, directors, and company, of the Bank of Poultney."

(S. 20.) "An act to repeal a part of the first section of chapter 13 of the act regulating and governing the militia."

(S. 33.) "An act altering the names of certain persons."

(S. 38.) "An act relating to the State Prison."

(S. 40.) "An act relating to banks."

(H. 28.) "An act to pay A. D. Arms the sum therein mentioned."

(H. 29.) "An act relating to sheep infected with the scab."

(H. 77.) "An act in addition to chapter 8 of the Revised Statutes."

(H. 79.) "An act to extend the right of trial by jury."

(H. 83.) "An act making appropriations for the support of government."

(H. 85.) "An act authorizing the Treasurer to borrow the sum therein mentioned."

(H. 95.) "An act in addition to the several acts regulating and governing the militia of this State."

(H. 104.) "An act to pay George A. Allen the sum therein mentioned."

(H. 108.) "An act in addition to an act regulating and governing the militia of this State."

(H. 112.) "An act to incorporate the president, directors, and company, of the Bank of Montpelier."

(H. 84.) "An act assessing a tax for the support of government."

(H. 24.) "An act to pay the town of Alburgh the sum therein mentioned."

(H. 76.) "An act annexing part of Monroe to Walden."

(H. 59.) "An act in amendment of the 43d chapter of the Revised Statutes."

(H. 37.) "An act relating to State Prison accounts."

(H. 115.) "An act in addition to chapter 8 of the Revised Statutes."

A message from the House of Representatives, by Mr. Merrill, their clerk:

MR. PRESIDENT:—The House concur with the Senate in passing a resolution for a committee to adjust the accounts of the Superintendent of the State Prison.

(H. 115.) They recede from their disagreement to the bill entitled "an act in addition to chapter 8 of the Revised Statutes."

The Senate took up the resolution from the House of Representatives, relative to publishing the proceedings of the joint assembly.

And on the question "Will the Senate adhere to its amendment thereto?" it was decided in the affirmative.

So the amendment was adhered to.

Mr. Adams moved that a message be sent to the House of Representatives, to inform them that the Senate has no further business, and to request that the House inform the Senate whether it has any further communications to make.

Which motion was agreed to.

The Secretary transmitted the message.

Mr. Adams moved that a message be sent to His Excellency the Governor, to inform him that the Senate have no further business, and to request him to inform the Senate whether he has any further communications to make.

Which motion was agreed to, and

Mr. Adams was requested to transmit the message.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT: The House concur with the Senate in passing the resolutions relative to the proceedings of Congress in the case of the New Jersey members.

A message from the House of Representatives, by Mr. Hebard, a member:

MR. PRESIDENT:—I am instructed by the House of Representatives to inform the Senate, that the House has closed the business of the session, and has no further communications to make to the Senate.

A message from the Governor, by Mr. Manser, Secretary of Civil and Military Affairs:

MR. PRESIDENT: His Excellency the Governor has approved and signed the bill entitled "an act relating to banks."

And I am instructed by His Excellency to inform the Senate that he has no further communications to make.

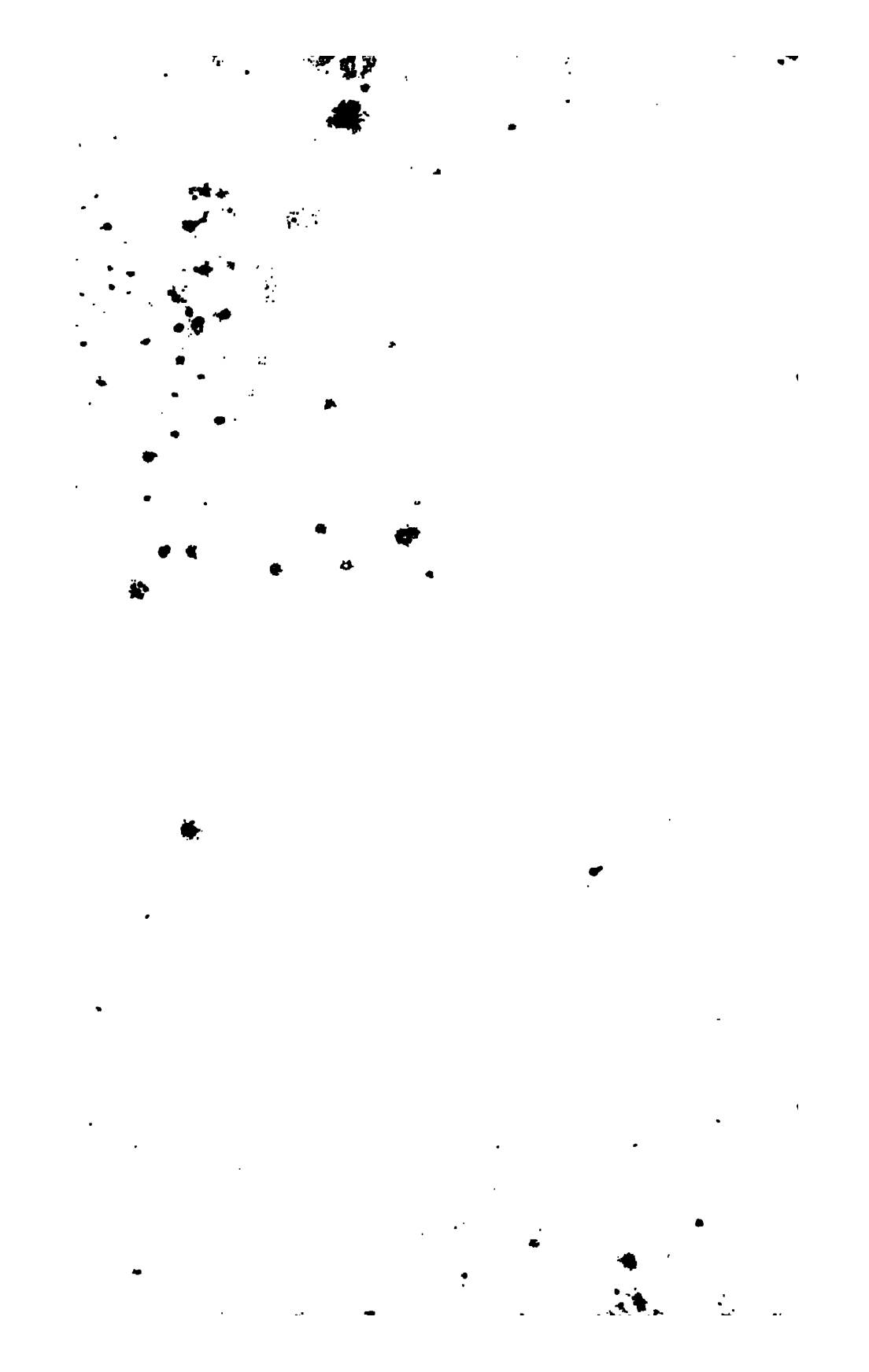
The Senate adjourned.

FRIDAY, OCT. 30, 1840.

Pursuant to the joint resolution of both Houses, the President of the Senate adjourned the Senate without day.

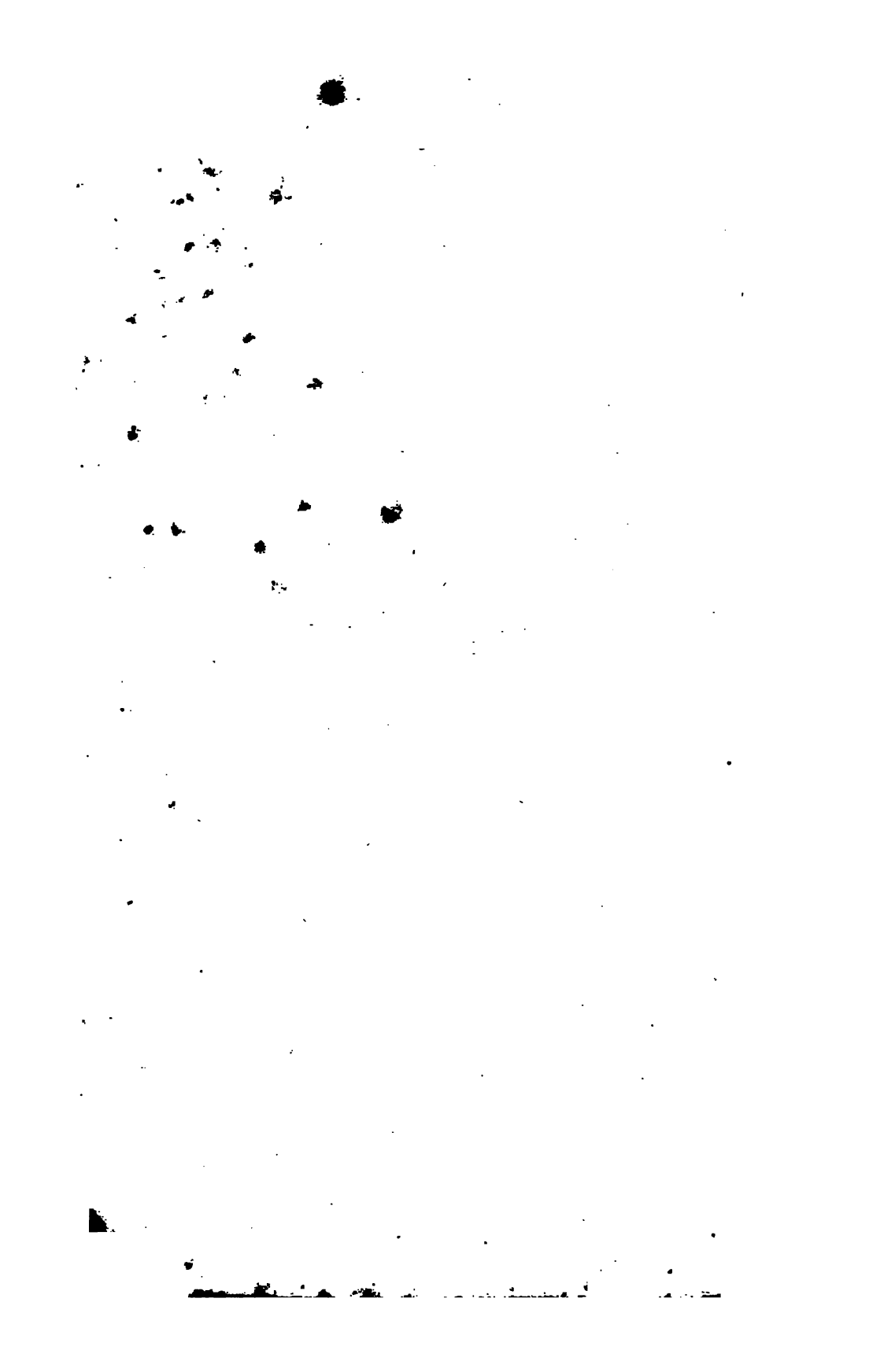
D. W. C. CLARKE,  
*Secretary of the Senate.*





## APPENDIX.





## REPORT OF THE SUPERINTENDENT OF THE STATE PRISON, 1840.

*To His Excellency, SILAS H. JENISON, Governor :*

SIR:—Herewith you will receive a list of the convicts confined in the State prison at Windsor, with the commencement and duration of their several sentences, the crime of which they were convicted, place of conviction, &c., accompanied with such remarks in relation to their conduct in prison, and other circumstances, as were deemed proper and suitable to be laid before the Executive; also with a copy of the by-laws of the prison; which is all that is required by the existing law, in the way of a report from the Superintendant to the Executive department.

It is the duty of the Superintendent to exhibit to the Treasurer of the State a statement of his accounts, &c., shewing the financial condition of the prison for each year ending with the first day of October. Having done this, I might claim to have fully complied with the law of the State, and placed within the reach of the General Assembly all the information relating to the prison which they desire or expect; but as the practise has been different heretofore, I have thought, it might perhaps be expected, that I should not entirely omit to notice the moral and physical, as well as the pecuniary condition, of the institution and its inmates.

By reference to the list of convicts, it will be seen, that there are now in prison 87, being an increase of one, only, since my last report. Of this number, thirty-two have been committed during the year. The number of recommitments, for second or third offences, is four only. The number discharged by expiration of sentence is 23; discharged by remission of sentence 8; making 31. Deaths none. Escapes none.

By the report of the keeper, as well as by my own observation, I find the conduct of the convicts has been generally good; an unusual amount of labor has been performed, and almost uninterrupted good health has prevailed, the expense of medicine, medical attendance, &c., being merely nominal.

The chaplain reports, that the improvement of the younger convicts, in learning to read, has been rapid. In the Sabbath School, particularly, a laudable anxiety, to excel in learning and reciting the Scriptures, has prevailed. The four books, viz: Matthew, John, Acts, and Romans, have been recited in regular lessons by the school, and 805 chapters voluntarily committed from other parts of the Bible. On the whole, the chaplain's

report presents the moral condition of the convicts in a light which leaves no doubt of the salutary and benign influence of religious instruction even in the gloomy walls of a penitentiary. I cannot but hope, the Legislature will think proper to direct that some more appropriate place for holding meetings on the Sabbath, shall be speedily prepared.

On the termination of the contract with I. W. Hubbard, in March last, the labor of the prisoners again reverted to the State, and it became my duty to furnish the supplies necessary for supporting them, and to provide the means of keeping them in employment.

As the Legislature had not anticipated this state of things, I found myself unexpectedly and suddenly called on, to adopt some method, by which the labor of the convicts might be made available for their support, and the payment of incidental expenses.

Having no funds on hand, with which to commence operations on a scale equal to the employment of such a number of men, I thought proper to contract the labor of the convicts to such suitable and responsible persons as might be disposed to hire them, at a per diem allowance.

Accordingly, after having received and considered several propositions, I closed a contract with Messrs. N. Kendall & Co., and Messrs. Damon & Hubbard, for the labor of not less than sixty-five convicts, for a term of nine or twelve months. The remaining convicts, except necessary waiters, loafers, and invalids, have been profitably employed in a carriage shop, under the control and on account of the Superintendent, for the benefit of the State.

It is not my design, nor is it necessary, in this communication, to go into a statement in detail, of the income and disbursements on account of the prison. This is fully shown by the accounts exhibited to the Treasurer. It will be sufficient to state, that the business operations of the prison, since the expiration of the contract in March last, have been highly favorable, showing an excess of income over the ordinary expenses, of \$1130 44, and a gain to the State of \$499 99, after paying all expenses on account of the prison, including the sum of \$568 94 on repairs' account, nearly all of which is for permanent improvements in the buildings, and new erections.

I would respectfully suggest the propriety of calling the attention of the Legislature to the subject of further improvements in the prison buildings, and especially to the report of the committee of last year, who were appointed in 1838, for the express purpose of making an examination of this subject. That report was not definitely acted upon at the last session. The experience of another year convinces me, that the opinions heretofore suggested upon this subject are correct, and fully confirms the necessity of adopting the plan recommended by the committee, or some substitute, which shall promote, as speedily as possible, the completion of the desired improvement. All which is respectfully submitted, by

MILTON BROWN, *Sup't Vt. State Prison.*

October 1st, 1840.

LIST OF CONVICTS DISCHARGED FROM THE STATE PRISON, AT WINDSOR, FOR THE YEAR ENDING

SEPTEMBER 30th, 1840.

NAMES.	AGE.	HEIGHT.	COMPLEX.	WHEN CONVICTED.	WHERE CONVICT.	CRIME.	SENTENCE.	WHEN DISCH'G'D.	HOW DISCH'G'D.	REMARKS.
Alexander, George.	32	5ft 3 1/2	Light,	Nov. 30, 1837.	Washington Co.	Burglary	3 years	Oct. 31, 1839.	remission	Born in England.
Aker, Henry	25	5 9 3-4	Dark,	June 9, 1838.	Bennington	" Forgery	9 "	June 9, 1840.	expiration	has been in Aub.
Bailey, William	22	5 1 1-2	Dark,	Dec. 31, 1838.	Chittenden	" Theft	1 "	Dec. 31, 1839.	"	Canadian. (urn p.)
Beers, Augustina	22	5 1 1-2	Light,	Jan. 9, 1838.	Chittenden	" Horse theft	4 "	Jan. 9, 1840.	"	do.
Bourne, Thompson	30	5 6 7-8	Light,	June 9, 1838.	Bennington	" Theft	2 "	June 9, 1840.	"	Canadian.
Bowyer, Lewis	34	5 6 1-2	Dark,	June 12, 1838.	Caledonia	" Theft	1-2 "	June 12, 1840.	"	Irish.
Bradley, Peter	18	5 4 7-8	Light,	Mar. 30, 1839.	Chittenden	" Theft	1-2 "	Sept. 30, 1840.	remission	2d sentence.
Brooks, Benjamin	32	5 8 3-8	Dark,	Sept. 22, 1838.	Franklin	" Rape	6 "	Sept. 22, 1840.	expiration	2d sentence.
Collier, Walter R.	43	5 10 3-4	Sandy,	Sept. 22, 1838.	Franklin	" Theft	1 "	Sept. 21, 1840.	"	Irish.
Cumley, Charles	53	5 8 1-2	Light,	Sept. 21, 1837.	Rutland	" Counterfeiting	2 "	Dec. 17, 1839.	"	Canadian.
Daniels, John	19	5 10 1-2	Light,	Dec. 17, 1837.	Addison	" Horse theft	4 "	Dec. 17, 1839.	"	Irish.
Dickinson, John	34	5 3 7-8	Dark,	Sept. 21, 1838.	Franklin	" Attempt to rape	2 "	Sept. 21, 1840.	"	Canadian.
Exchanger, Louis	19	5 3 1-2	Dark,	Sept. 21, 1838.	Franklin	" Theft	2 "	Sept. 21, 1840.	"	Irish.
Field, Stephen	38	5 9 2-8	Dark,	Dec. 10, 1837.	Bennington	" Theft	6 "	Dec. 10, 1839.	remission	2d sentence.
Haines, Samuel G.	19	5 7 2-8	Dark,	Dec. 10, 1837.	Caledonia	" Burglary & theft	7 "	Oct. 31, 1839.	expiration	2d sentence.
Hill, Jonathan	24	5 11 1-8	Light,	Dec. 17, 1837.	Addison	" Manslaughter	4 "	Oct. 31, 1839.	"	Irish.
Hull, Enoch	38	5 7 7-8	Light,	June 24, 1838.	Orleans	" Theft	2 "	June 24, 1840.	expiration	2d sentence.
Hunt, Samuel	38	5 7 7-8	Light,	Oct. 4, 1837.	Rutland, U. S. C.	Steal from letter	2 "	Oct. 4, 1839.	"	Irish.
Hunt, Enos N.	34	5 7 2-4	Dark,	June 12, 1837.	Addison	" Horse theft	5 "	June 12, 1840.	remission	2d sentence.
Hunkley, Charles B.	39	5 8 3-8	Light,	June 4, 1837.	Windsor	" Counterfeiting	7 "	Oct. 31, 1839.	"	Irish.
Jones, James	38	5 8 1-4	Sandy,	June 12, 1837.	Caledonia	" Counterfeiting	5 "	Oct. 31, 1839.	expiration	2d sentence.
Lepp, Oliver	32	5 5 3-4	Dark,	April 22, 1838.	Franklin	" Burglary	1-2 "	Oct. 16, 1839.	expiration	2d sentence.
Locke, Wm. alias Fry	25	5 3 1-2	Dark,	April 16, 1838.	Windsor	" Theft	1 "	April 25, 1840.	"	Irish.
Lincoln, Charles	40	5 4 3-4	Dark,	April 25, 1839.	Rutland	" Theft	6 months	June 14, 1840.	"	Irish.
Mason, Ths. alias Hayes	52	5 5 1-2	Dark,	Dec. 14, 1839.	Windsor	" Attempt to rape	5 "	Oct. 31, 1839.	remission	2d sentence.
Mc Amy, Nathan	32	5 5 1-2	Light,	Sept. 12, 1838.	Franklin	" Counterfeiting	8 "	Aug. 28, 1840.	expiration	2d sentence.
Mirror, Franklin D.	39	5 11	Light,	Aug. 28, 1838.	Chittenden	" Horse theft	3 "	June 21, 1840.	"	Irish.
Miles, Betsey	50	5 8 1-4	Black fe.	June 21, 1837.	Addison	" Theft	3 "	Aug. 28, 1840.	remission	2d sentence.
St. Louis, Antonio	18	5 8 1-4	Light,	Aug. 28, 1837.	Chittenden	" Horse theft	5 "	Oct. 31, 1839.	remission	2d sentence.
Stowell, Jubell	36	5 5 5-8	Dark,	Dec. 22, 1834.	Orange	" Horse theft	5 "	Oct. 31, 1839.	remission	2d sentence.

## REPORT OF THE BANK COMMISSIONER.

*To Silas H. Jenison, Governor of Vermont:*

The undersigned, Bank Commissioner, respectfully reports, that he has examined the several Banks in the State subject to the provisions of the act regulating the chartering of banks, and finds the condition of the same to be as follows:—

### BANK OF BRATTLEBORO'.

#### LIABILITIES.

Stock . . . . .	\$75,000 00
Bills in circulation . . . . .	67,981 00
Deposites . . . . .	38,988 95
Due other banks . . . . .	2,044 78
	<hr/>
	\$184,014 73

#### RESOURCES.

Bills discounted . . . . .	\$122,370 93
Deposites in Boston, New York, &c. . . . .	44,655 88
Bank stock . . . . .	3,711 10
Bills, checks and drafts of other banks . . . . .	3,993 73
Specie . . . . .	7,968 12
Banking house . . . . .	2,702 98
	<hr/>
	\$185,402 74

### BANK OF BELLOWS FALLS.

#### LIABILITIES.

Stock . . . . .	\$50,000 00
Bills in circulation . . . . .	75,474 00
Deposites and unpaid dividends . . . . .	17,332 78
	<hr/>
	\$142,806 78

# APPENDIX.

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## RESOURCES.

Bills and drafts discounted	\$113,349 71
Due on book	4,964 78
Deposites in Boston, &c.	18,723 49
Specie	6,952 59
Bills of other banks	5,028 00
Real estate	1,700 00

\$150,718 57

## BANK OF NEWBURY.

### LIABILITIES.

Stock	\$50,000 00
Bills in circulation	47,247 00
Deposites	9,931 96

\$107,178 96

### RESOURCES.

Bills discounted	\$68,873 94
Due on book	8,936 27
Suspended debt exceeding assessment	17,841 12
Deposites in Boston banks	10,151 26
Specie	3,184 92
Bills of other banks	1,627 00
Banking house	1,927 94

\$112,542 45

## BANK OF ORLEANS.

### LIABILITIES.

Stock	\$30,000 00
Bills in circulation	26,514 00

\$56,514 00

### RESOURCES.

Bills discounted	\$41,197 00
Due from State Treasurer	862 47
Deposites in Boston	11,568 15
Bills of other banks	890 00
Specie	2,671 88

\$57,189 50

## BANK OF ST. ALBANS.

## LIABILITIES.

Stock	\$50,000 00
Bills in circulation	69,201 00
Deposites and unpaid dividends	27,300 78
Due to other banks	941 32

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\$147,443 10

## RESOURCES.

Bills discounted	\$118,383 18
Due on book	277 68
Deposites in N. York, Troy, Montreal, &c.	23,814 15
Bills of other banks	1,476 17
Specie	3,848 73
Real estate	1,400 00

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\$149,199 91

## FARMERS AND MECHANIC'S BANK.

## LIABILITIES.

Stock	\$105,000 00
Due to other banks	3,059 86
Deposites and unpaid dividends	17,021 77
Bills in circulation	37,680 00

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\$162,761 63

## RESOURCES.

Bills discounted	\$126,528 27
Due from other banks	10,756 93
Bills of other banks	5,664 32
Specie	4,504 47
Real estate	7,080 00

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\$163,533 99

## BANK OF MIDDLEBURY.

## LIABILITIES.

Stock	\$60,000 00
Bills in circulation	35,594 00
Deposits and unpaid dividends	4,538 80
Due other banks	2,169 43

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\$102,302 23

# APPENDIX.

## RESOURCES.

Bills discounted . . . . .	\$77,784 51
Due from other banks . . . . .	516 54
Bills of other banks . . . . .	4,624 00
Specie . . . . .	6,514 15
Deposits in Boston and Troy . . . . .	17,914 86

\$107,354 06

## FARMER'S BANK.

## LIABILITIES.

Stock . . . . .	\$60,000 00
Bills in circulation, . . . . .	112,777 00
Deposits and unpaid dividends . . . . .	3,475 74
Due other banks . . . . .	801 50

\$177,054 24

## RESOURCES.

Bills discounted . . . . .	\$110,405 52
Bills of other banks . . . . .	14,998 55
Specie . . . . .	5,960 17
Due from other banks . . . . .	600 41
Deposits in Boston and Troy . . . . .	45,898 83
Real estate . . . . .	2,373 75

\$180,237 23

## BANK OF MANCHESTER.

## LIABILITIES.

Stock . . . . .	\$70,000 00
Unpaid dividends . . . . .	79 80
Bills in circulation . . . . .	71,154 00

\$141,233 80

## RESOURCES.

Bills discounted . . . . .	\$93,490 35
Deposits in New York and Troy . . . . .	25,400 02
Bills of other banks . . . . .	4,795 50
Specie . . . . .	5,754 90
Due on book . . . . .	13,562 25
Real estate . . . . .	3,564 59

\$145,567 61



APPENDIX.

BANK OF WOODSTOCK.

LIABILITIES.

Stock . . . . .	\$50,000 00
Bills in circulation . . . . .	73,133 00
Deposits and due other banks . . . . .	3,207 22
	\$126,340 22

RESOURCES.

Bills discounted . . . . .	\$113,900 11
Due on book . . . . .	4,158 15
Deposits in Boston and Troy . . . . .	3,037 56
Bills of other banks and state orders . . . . .	3,022 67
Specie . . . . .	5,183 47
Real estate . . . . .	3,000 00

\$132,301 96

The Essex Bank was placed in the hands of a receiver, by order of a chancellor, previous to the last session of the General Assembly, and from what I can learn from the receiver, I should conclude that effects in his hands, and all the safety fund now paid in, and that the banks now chartered are required to pay in, will not be sufficient to redeem the bills of that bank.

The other banks appear abundantly able to meet all their engagements, and to have been conducted with prudence and fidelity.

Which is respectfully submitted,

R. PIERPOINT, Bank Commissioner.

Montpelier, Oct. 8, 1840.

## REPORT OF THE BANK INSPECTOR.

To the Legislature now in session:

The Inspector appointed to inspect the banks of this State not subject to the Safety Fund Law, respectfully presents the following statement of the condition of those banks, as follows :

### BANK OF RUTLAND.

#### RESOURCES.

Notes discounted	\$135,053 45
Specie on hand	8,030 95
Foreign bills on hand	5,040
Due from Farmer's Bank Troy	10,824 06
" city bank Boston	19,120 08
" bank of Manchester	640
" Middlebury	87 77
" Suffolk bank	3,000
" Banking house	1,871 91
	\$183,618 22

#### LIABILITIES.

Capital stock	\$100,000
Circulation	62,663
Due depositors	11,833 91
" per dividends	406
	\$174,922 91

December 26th, 1839.

### BANK OF BURLINGTON.

#### RESOURCES.

Discounted notes	\$146,591 61	}	\$239,901 56
Domestic exchange	93,309 87		
State of Vermont	5,000		
Deposited in Globe bank	20,616 21		
" Suffolk bank	2,000		
" Bank of Troy	1,144 22		

APPENDIX.

Deposited in Merchant's bank . . .	2,240 38
" " Bills of other banks . . .	11,594
" " Specie . . .	11,956 36
" " Real estate Boston . . .	500
	<hr/>
	\$297,736 73

LIABILITIES.

Capital paid in . . . . .	150,000
Circulation . . . . .	78,710
Dividends unpaid . . . . .	973 56
Profit and loss . . . . .	9,328
Discounts received . . . . .	5,133 50
Exchange . . . . .	410 90
Deposits . . . . .	53,180 77
	<hr/>

\$297,736 73

December 26th, 1839.

ORANGE COUNTY BANK.

RESOURCES.

Discounted notes . . . . .	86,432 39
Suspended debt . . . . .	30,971 62
Domestic exchange . . . . .	2,950
Funds in Boston . . . . .	48,620 10
Specie on hand . . . . .	8,697 04
Real estate . . . . .	2,000
	<hr/>

\$179,671 15

LIABILITIES.

Capital stock paid in . . . . .	70,000
Bills in circulation . . . . .	88,105
Deposits and drafts out . . . . .	12,448 04
Profit and loss . . . . .	9,118 11
	<hr/>

\$179,671 15

Jan. 10, 1840.

BANK OF VERGENNES.

RESOURCES.

Discounted notes . . . . .	\$127,766 89
Bills . . . . .	32,702 31
Deposits in banks in Boston, Troy and New York . . . . .	4,543 71
Due from other banks . . . . .	822 89

APPENDIX.

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Real estate . . . . .	1,606 79
Specie . . . . .	5,855 99
Foreign bills . . . . .	3,069 80
	<hr/>
	\$176,367 88

LIABILITIES.

Capital stock paid in . . . . .	80,000
Bills in circulation . . . . .	68,203
Deposits . . . . .	13,084 46
Discounts unpaid . . . . .	805 40
Discounts received . . . . .	3,163 44
Profit and loss . . . . .	3,204 41
Due other banks . . . . .	7,907 17
	<hr/>

\$176,367 88

Dec. 25, 1839.

BANK OF BENNINGTON.

RESOURCES.

Notes discounted . . . . .	\$135,603 66
Specie on hand . . . . .	11,863 66
Bills of other banks . . . . .	3,240
Funds deposited in New York . . . . .	12,246 44
Due from Farmer's bank Troy . . . . .	21,362 08
Drafts and other cash items . . . . .	11,589
Real estate . . . . .	3,992 34
Profit and loss . . . . .	3,325 18
	<hr/>

\$203,522 23

LIABILITIES.

Capital stock paid in . . . . .	87,770
Bills in circulation . . . . .	97,076
Deposits including sums deposited in part payment of notes . . . . .	18,676 23
	<hr/>

\$203,522 23

August 27, 1840.

BANK OF MONTPELIER.

RESOURCES.

Banking house . . . . .	2,612 35
Due from atty. &c. . . . .	11,989 50
do Boston banks . . . . .	10,097 54
Specie on hand . . . . .	12,460 36

Current bills . . . . .	2,188
Notes due the bank . . . . .	74,264 35
Montpelier bank stock . . . . .	960
	<hr/>
	\$114,572 10

## LIABILITIES.

Capital stock paid in . . . . .	\$60,000
Bills in circulation . . . . .	45,836
Due depositors . . . . .	2,863 38
Discounts unpaid . . . . .	10
	<hr/>
	\$108,708 38

Jan. 13, 1840.

## BANK OF CALEDONIA.

## RESOURCES.

Capital stock . . . . .	\$50,000
Deposits . . . . .	2,385 43
Circulation . . . . .	42,466 75
Profit and loss . . . . .	2,987 23
Due Suffolk Bank . . . . .	817 63
	<hr/>
	\$98,657 04

## LIABILITIES.

Loans and discounts . . . . .	\$81,789 91
Deposit in Suffolk Bank . . . . .	3,000
Specie . . . . .	8,916 33
Bills of other Banks . . . . .	2,793 57
Bank House . . . . .	1,799 16
Expense . . . . .	358 07
	<hr/>

Sept. 1, 1840.

\$98,657 04

In presenting the statement of the condition of the banks, subject to my inspection, I have conformed to the previous practice of Inspectors and Commissioners. One side of these accounts shows the liabilities of the banks, and the other, the funds to meet those liabilities. The object of the inspection is, or ought to be, to show the public the true condition of those institutions which furnish the almost entire circulation of the country. One important fact, in which the whole community are interested, is, whether those institutions are able, or not, to redeem all their liabilities on demand? If they are so, have they managed therein with a due regard to the

public interest? The statement accompanying this report furnishes little evidence of the ability of the corporations to pay their liabilities.

The only property belonging to the corporations, of which the public have any means of ascertaining its true value, is the specie on hand and the real estate they possess. Deposits, in the Boston and New York banks, are represented as specie funds. There is no want of confidence, perhaps, in the soundness of those banks. Yet the public have no evidence of their ability to pay, except the annual statement furnished by the banks to the commissioner. The principal item contained in the statement of some of the banks, on which they must depend for the redemption of their bills, is the sum due on discounted notes. The value of those notes must depend upon the ability of the debtors to pay.—Whether the large sums, due on discounted notes, are good, or bad, the public have no means of knowledge. The inspector may be satisfied that a large amount of that sum can never be collected, yet he is not permitted to disclose the names of the debtors. It appears to me more important at this time, that the true value of this debt due the banks should be ascertained, from the consideration that many of the charters are about to expire, and the corporations are petitioning for a renewal of them. Should the Legislature deem it expedient to renew them, ought they to be less careful in guarding the public against loss, than they were when the banks were first chartered? Then the capital was required to be paid in in gold and silver.

Should the charter be renewed, the debt due on discounted notes would constitute the capital stock upon which the corporation would commence their operation. Of the value of this capital, on which the corporation have a right to issue bills to three times its amount, the public have no knowledge. The effect of a renewal of a charter will more clearly appear from the statement of the condition of the Orange Co. Bank. They report a capital paid in of \$70,000. They also report a suspended debt of \$30,000. I would here remark, that a large amount due some of the other banks, might, with as much propriety, be reported a suspended debt, as that of Orange county. Should the charter of that bank be renewed, they would have a right to issue bills to the amount of \$210,000.

For the redemption of \$90,000 of that sum, the bank must depend upon this suspended debt.

The necessity of ascertaining the value of the debt in favor of a bank asking a renewal of its charter, will appear from the history of the Windsor Bank. From the statement of the condition of that bank, reported to the Legislature a few weeks before its failure, there was as much evidence of its ability to pay all its liabilities, as any bank in the State. And if its charter had then been about to expire, the Legislature would, no doubt, as readily renewed it, as they would that of Brattleboro' or St. Albans. That bank was reported to possess a capital paid in of \$80,000, and they had a right to issue bills to the amount of \$240,000. Why may not a bank be permitted to go into operation at first, without a capital, as to renew one, without clear evidence that the capital first paid in has not been changed from specie for the notes of insolvent speculators? Facts, disconnected from the doings of the Inspector, have disclosed to the public the true value of the capital of the Windsor Bank. In August last I requested of the cashiers of the banks now in operation, subject to my inspection, the amount of indebtedness of all the directors, also their liabilities. From the Vergennes Bank, and from the Orange Co. Bank, I have received no statement of the amount of the indebtedness of the directors. From the Danville Bank I have received no statement of the condition of the bank, in form, to embody in this report. In January last I inspected that bank. The books were not in a condition then to make a formal and correct statement. The circulation was small, about \$35,000. The liabilities of one of the directors was large. The indebtedness of the directors of the Bank of Rutland was, in August last, \$22,000. The entire liabilities of the directors of the Bank of Burlington was, in February last, \$3,050; May 1st, \$2,300; and August 1st, \$3,200. The liabilities of the directors of the Bank of Bennington, since the 7th of January last, have not exceeded \$2,500,—August 20th, \$2,000.

I would abstain from making any remarks, which would have a tendency to destroy, or to injure, a well regulated system of credit. If any bank has pursued a course of management, which, if exposed to public view, would, of itself, destroy its credit, the sooner the exposure is made, the better for the people. The Essex Bank partially sustained its credit,

by secretly depositing its own bills, as security for loans obtained from other banks. After these transactions were reported to the Legislature, the transaction was justified, at least, not condemned, by a committee of the House, a majority of which committee were officers of other banks. The effects of endeavoring to sustain the credit system of a rotten and corrupt institution, are severely felt by the laboring class of the community, who have sustained a loss of thousands of dollars by the fruitless attempt to sustain this credit system. The Windsor Bank not only deposited its own bills to sustain its credit, but loaned a sealed package of \$10,000 of its bills, at one time, seal not to be broken, at three per cent. interest. This loan must have been made to enable this borrower to sustain his credit, by depositing these bills as security for other loans. Can it be thought wrong, to be at war with a credit system of this character?

In my examination of the past transactions of the Bank of Bennington, I find one of the Directors was connected with a firm of Brokers in New York, under the name of Swift, Mills & Co. H. Gay, the director and broker, was authorized to draw, by a resolution of the Board of Directors, \$75,000 from their deposits in the Boston and Troy banks. It appears from the statement of the Bank, March 20th, 1838, that there were in the hands of Gay, at that time, \$75,000. As a director, Gay had a perfect knowledge of the condition of the bank, and holding so large an amount of the funds of the bank, he could, as a broker, make a profitable business in purchasing up the bills of the bank at discount. There was at that time a large amount of bills in circulation, being \$185,250, and in 1839, the circulation was less than \$33,000. Whether this reduction in the circulation of \$150,000 was made by the purchase of the bills by Gay, or not, does not appear.

There was a change in the Board of Directors last January. None of the present board appear to be connected with brokers. A liberal mode of discounting was adopted early in the spring. The circulation of the Bank has increased from \$33,000 to \$97,000. This liberal and just policy, adopted by the directors, has given general satisfaction. They have been able to maintain the circulation without difficulty. The extraordinary expansions and contractions of bank issues of paper, must seriously affect the business of the country. By



reference to past reports, it will appear that immediately after the suspension of specie payments, in 1837, some of our banks began to increase their circulation, while others contracted theirs. The Bank of Manchester had in May, 1837, at the time they stopped payment, less than \$70,000 in circulation, as appears from a circular published at that time, signed by all the directors; and on the 9th day of January following, it appeared from a statement of the condition of that bank, exhibited to the directors on that day, that the amount of bills in circulation was above \$140,000; thus, increasing their circulation \$70,000 in eight months. The amount of bills put in circulation by the banks in the county of Bennington, (and we have no reason to suppose it less in other counties,) from the two statements of Jan. 9th, and March 20th, 1838, amounted to \$325,000, and in December, 1839, the circulation was less than \$75,000. This sudden contraction of \$230,000 must seriously affect the price of all articles of produce. It is evident that the confidence in the soundness, as well as usefulness of our banking institutions, is greatly impaired, and nothing short of a thorough examination of all the concerns of the corporation, and the result of such examination made public, can restore confidence. The transactions of the banks are shrouded in darkness. The public have no means of distinguishing the good from the bad. Even stockholders have been denied the right of examining the books of their own corporation. They do not know whether the semi-annual dividends they receive are made from the profits or the capital of the bank. I have known banks to make dividends when they had no profits to divide. And this fraud upon the honest stockholder and the public is effected by the inventory of worthless notes, as available funds. Ought not the directors of the banks to be required to note, in their statement of the condition of the banks, all debts, which have been due more than one year, as a suspended debt, or unavailable funds; and that no dividends should be made until the deficiency of available funds, occasioned by such suspended debt, should be made good, either by the payment of more capital by the stockholder, or by the application of the profits, to make good such deficiency. This would influence the honest stockholder to investigate the management of the bank. He is apparently satisfied with the directors.

so long as he receives his semi-annual dividend of 4 per cent. By the Safety Fund Act, the Directors and Stockholders are limited in the sum they may be indebted to the bank, to \$2000. This clause in the law is easily evaded—an endorser of a note is not considered a debtor by such endorsement. It is only a liability, no indebtedness. Thus, the liabilities of a director may be \$100,000 without any violation of the statute, and the money received on such endorsed note may be for his own benefit. He is only to change the form of the note, and the work is done. I have not discovered any violation of their acts of incorporation by any of the corporations subject to my inspection within the last year; if I had I should not feel it my duty to order information to be filed against the corporation. For in 1835 I directed a prosecution against the Essex Bank. On application, the Legislature refused to refund to me the money I expended in my endeavors to bring that institution to justice. I could not consider this act of the Legislature in any other light than a disapprobation of my proceedings.

The conduct of the bank was also justified by a report of a Committee of the Legislature. A majority of the Committee were Bank Directors. See the Journal of the House of Representatives, 1835 and 1836.

JOHN S. PETTIBONE, Bank Inspector.

October 8, 1840.

I have just received a letter from the Cashier of the Danville Bank, stating that he forwarded the state of the Danville Bank to Montpelier, expecting I should be there.

J. S. PETTIBONE, B. Insp.

## REPORT OF THE COMMISSIONERS OF THE DEAF, DUMB, AND BLIND.

*To his Excellency the Governor of Vermont :*

In pursuance of the duty enjoined in title 9th chapter 19th of the revised statutes of the state, the board of commissioners for the instruction of the deaf, dumb and the blind, herewith make to your Excellency their annual report of their proceedings, with an account of the expenditures incurred in the discharge of their duties.

In February last, in pursuance of public notice, the board convened at Royalton, for the purpose of acting upon such cases as might be then and there presented for consideration. With some few exceptions, the conductors of the several newspapers seconded the benevolent efforts of the legislature, by a gratuitous insertion of our notification, for the benefit of that unfortunate class of the human family in our state, who, by the dispensations of Providence, are denied the use of the ordinary avenues to the mind, and who, from that circumstance, can take no benefit from the liberal appropriations which it has ever been the wise policy of this government to bestow, for the purpose of carrying the blessings of education within the reach of all the youth of the Commonwealth.

During the year past, no material alteration has been deemed expedient in conducting the operations of the boards. In our action upon cases presented, it has been our aim to adjudicate discreetly as well for the applicant as for the state, in all cases granting an amount sufficient to cover the whole, or a part, of the ordinary expenses at the institutions, taking into view the ability of parents or other relations to render aid to the pupils—and in all cases requiring bonds to indemnify the state against expenses for sickness and clothing.

One member of the board has recently visited the New England institution for the instruction of the blind, at Boston, in the state of Massachusetts: also the American Asylum for the education and instruction of the deaf and dumb at Hartford, Connecticut; and was gratified to find the pupils from this state, in those institutions, in the enjoyment of ordinary health, and generally making a progress in their or-

dinary studies, highly creditable to themselves and their several instructors—also giving practical demonstrations of a good degree of knowledge in many of the mechanical arts,—thereby furnishing incontrovertible evidence, that this unfortunate class of the human family may be easily brought to a high degree of intellectual enjoyment, also to maintain and support themselves in after life, instead of being left either useless drones on society, or perhaps the victims of those vicious habits which seem peculiarly inseparable from our nature when left to a course of idleness.

The particular mode and manner of conducting the operations of the institutions at Hartford and Boston, perhaps cannot be better described than by reference to the annual report of their directors, copies whereof are furnished and transmitted by their boards of trustees to our secretary of State, for general circulation through the members of the General Assembly—and which afford to every discriminating mind conclusive evidence of the sound policy and correct views of economy on the part of the legislature in selecting these two institutions for the pupils of our state.

To meet the expenditures incurred by the discharge of our duties, the commissioners have, during the year, drawn upon the treasury, as follows—

For the deaf and dumb,	- - - - -	\$2,218 39
For the blind,	- - - - -	878 30

Total,	- - - - -	\$3,096 69
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Respectfully submitted by L. SARGEANT,  
in behalf of Commissioners.

Manchester, Oct. 6, 1840.

## REPORT OF THE AUDITOR ON THE SCHOOL FUND.

To His Excellency SILAS H. JENISON, Governor of the State of Vermont:

SIR—The undersigned, Auditor in the Treasury, in pursuance of the requirements of Law, has examined the doings of the Commissioner of the School Fund, during the fiscal year ending this 30th day of September, A. D. 1840, and reports the following to be a correct statement of the condition of said Fund, with a statement of the operations connected therewith during the past year.

It appears by my report made to your Excellency, on the 30th day of September, A. D. 1839, that said Fund on that day consisted of various sums annually received as applicable therefo and loaned to the State from the year 1834, inclusive to that time, not including interest, amounting to \$76,513 81  
Also of loans to individuals secured by note, 43,134 40

Making in the whole 119,648 21

The amount received from all sources during the past year is as follows, viz:

From Bank Dividends	4,305 56
“ Pedlars’ Licences	702 00
“ Principal paid on School Fund Notes	891 59
“ Interest paid in on do.	1,987 71

7,886 86

Which being added to the fund of last year makes 127,535 07

From this should be deducted 891,59

Being the amount paid in of the principal of individual’s notes, leaving the present actual amount of the School Fund, exclusive of interest due from the State and from individual’s to be \$126,643 48

Respectfully submitted,

CHARLES DAVIS.

September 30, 1840.

## REPORT OF THE AUDITOR IN THE TREASURY DEPARTMENT,—1840.

*To His Excellency Silas H. Jenison, Governor of Vermont :*

SIR,—The undersigned, Auditor in the Treasury, in pursuance of the requirements of the law, has attended to the duty of auditing and examining the accounts of the Treasurer of the State for the fiscal year, ending this 30th day of September, A. D. 1840, and reports the following to be a correct statement of the operations of the Department during the year.

*State of Vermont in account with Henry F. Janes, Esq. Treasurer of Ver-*  
*mont,* *Dr.*

To cash paid	Debenture of General Assembly, - - -	\$21,003 84
	D. Pierce, Auditor, postage bill, - - -	5 13
	Supreme and County Court orders other than to State's Attornies, - - -	22,460 50
	Court orders to the several State's Attornies, - - -	3559 69
	Trustees of Insane Hospital, - - -	2000 00
	Auditor's orders, - - -	8048 29
	Fox certificates, - - -	1432 25
	Bear " - - -	205 00
	Wolf " - - -	180 00
	Panther " - - -	20 00
	Crow " - - -	2 80
	cocoon and silk premiums, - - -	360 71
	Judges of Supreme Court in part of their sala- ries, - - -	5950 24
Deduct fees received in civil suits, - - -	1742 63	4207 60
To cash paid	Revisers of Statute Laws of the State, - - -	3500 00
	W. K. Webber, Quarter Master of 11th Regi- ment of Vermont Militia, called out on nor- thern Frontier, - - -	1450 03
	other special appropriations by acts of the Le- gislation, - - -	1605 78
	drafts of commandants of regiments and of Ad- jutant General, for expenses of drills, &c., - - -	4682 44
	Superintendent of State's Prison, - - -	2000 00
	Governor Jenison balance of last year's salary, " " in part of present year's sal- ary, - - -	375 00
	F. F. Merrill, Clerk of House, two half year's salary, - - -	300 00
	J. A. Vail half year's salary as Librarian, - - -	275 00
		37 50



# APPENDIX.

XXV

	Cr.
By balance in the Treasury last year, - - -	\$6238 31
cash received of C. L. Knapp, avails of sale of Vt. Reports, -	36 30
of S. P. Short and E. P. Walton, in full of note and interest to Treasurer, - - -	99 54
for Safety Fund, - - -	2137 68
of several State's Attorneys, - - -	4359 30
of Clerks of Supreme and County Courts, -	1069 12
for taxes, principal, - - -	52292 45
for interest on arrearages of taxes, - - -	920 87
of Bank of Orleans, - - -	180 00
Vergennes, - - -	192 00
of Farmers' Bank, - - -	302 19
of Bank of Middlebury, - - -	307 50
Manchester, - - -	310 00
Rutland, - - -	240 00
Caledonia, - - -	240 00
St. Albans, - - -	480 00
Bellows Falls, - - -	600 00
Brattleboro', - - -	526 19
Woodstock, - - -	200 00
Burlington, - - -	727 68
principal p'd in on School Fund notes, -	891 59
interest paid on School Fund notes, -	1987 71
for pedlars' licences, - - -	702 00—7886 86
Bank Commissioner, fees included in Auditor's orders, transferred to Safety Fund, - - -	116 00
cash received of Quarter Masters in Militia, - - -	323 38
of S. & R. M. Beach, on note to State Treasurer, -	25 78
borrowed of A. Willard, - - -	5000 00
of Bank of Montpelier, - - -	680 00
balance due to the Treasurer, - - -	9539 33
	<u>\$90724 92</u>

Your Excellency's most obedient servant,

CHARLES DAVIS.



## QUARTERMASTER GENERAL'S REPORT...1840.

QUARTER MASTER GENERAL'S OFFICE, }  
MONTPELIER, Oct. 17TH, 1840. }

SIR,—You will receive herewith a return of all the military property of this state in my possession; also an abstract of the annual returns of the public property in the several Brigades of the militia of this state, and an abstract of moneys received from the State Treasury and from fines, and how the same has been appropriated.

The returns, from which the abstracts have been made, being by law returnable to the office of the Adjutant and Inspector General, I could not at an earlier date, make the returns to you, which the law requires shall be done in the month of September; and I would take the liberty to suggest whether it would not be expedient to have the law so altered as to require the returns from the several brigades and regiments to be made to the Quarter Master General, or relieve him from the duty of making returns to the Commander in Chief.

Previous to the first of June last, I had delivered to the several commanders of Regiments, for the use of the light infantry companies, fourteen hundred and twenty (1420) muskets, and for the use of the rifle companies seven hundred and sixty-two (762) rifles. It appears from the abstract of returns that 652 of the muskets and 402 of the rifles are unaccounted for; but what regiments have failed to account for the arms received, I am unable to state, as the returns are in the hands of the Adjutant and Inspector General.

I am, sir, very respectfully,

Your ob't servant,

DAVIS RICH, *Quarter Master General of the Militia of Vermont.*

*To his Ex'y S. H. JENISON, Governor and Commander in Chief.*

### *RETURN of the ordnance, apparatus, arms, and other military property of this state, in my possession.*

- 3 pieces of 6 pounder iron Cannon.
- 4323 Muskets complete.
- 5 Rifles.
- 61 powder horns, and
- 61 cartouch boxes.

All in good order and deposited in the U. S. Arsenal at Vergennes.

DAVIS RICH, *Quarter Master General.*

*Quarter Master General's Office, }  
Shoreham, Sept. 30th, 1840. }*

## APPENDIX

XXVII

*ABSTRACT of annual returns of the public property in the several brigades of the militia of Vermont, for the year 1840.*

	1st Brig., 1st Div.	2d Brig.	3d Brig.	1st Brig., 2d Div.	2d Brig.	3d Brig.	1st Brig., 3d Div.	2d Brig.	3d Brig.	Aggregate,
Bugles.	19	14	13	4	44	34	11	4	30	225
Bass Drums.	3	10	11	10	2	25	14	88	22	942
Tenor Drums.	2	4	5	1	15	6	30	36	1	298
Fifes.	4	2	33	25	34	11	4	30	36	210
Stands of Colors.	4	2	33	25	34	11	4	30	36	1
Books of Record.	44	33	25	14	88	22	1	1	1	1
Rosters.	34	11	4	30	36	1	1	1	1	1
Copies of Tactics.	51	113	36	1	1	1	1	1	1	1
Blank Returns.	6	30	36	1	1	1	1	1	1	1
blank sergeant's warrants.	23	123	74	22	1	1	1	1	1	1
Iron 3 pounders.	16	93	110	1	1	1	1	1	1	1
Iron 6 pounders.	9	122	18	8	1	1	1	1	1	1
Iron pounders.	39	149	18	8	1	1	1	1	1	1
Brass 4 pounders.	33	115	18	8	1	1	1	1	1	1
Brass 6 pounders.	1	1	1	1	1	1	1	1	1	1
Brass pounders.	1	1	1	1	1	1	1	1	1	1
Limbers.	2	3	3	2	2	2	2	2	2	2
Trail handspikes.	1	1	1	1	1	1	1	1	1	1
Lint stocks.	1	1	1	1	1	1	1	1	1	1
Tumbrels.	1	1	1	1	1	1	1	1	1	1
Lead aprons.	1	1	1	1	1	1	1	1	1	1
Bricoles.	1	1	1	1	1	1	1	1	1	1
Priming wires.	1	1	1	1	1	1	1	1	1	1
Haversacks.	1	1	1	1	1	1	1	1	1	1
Ammunition boxes.	2	1	1	1	2	2	2	2	2	2

*Abstract of annual returns of military property—concluded.*

1st Brig., 1st Div.		Port fire cases.
2d Brig.,		Thumb stalls.
3d Brig.,		Powder horns and belts.
1st Brig., 2d Div.	11	Sponges and rammers.
2d Brig.	1	Wormers and ladles.
3d Brig.	2	Sponge buckets.
1st Brig., 3d Div.	2	Port-fire clippers.
2d Brig.	1	Sets of Harness.
3d Brig.	1	Prolongues.
1st Brig., 3d Div.	1	Rifles.
2d Brig.	1	Muskets and rods and bayonets.
3d Brig.	1	Trombones.
1st Brig., 3d Div.	1	Clarionets.
2d Brig.	1	Octave Flutes.
3d Brig.	1	Horns.
1st Brig., 3d Div.	1	Trumpets.
2d Brig.	1	Serpents.
3d Brig.	1	
Aggregate,	2	
	5	
	6	
	20	
	5	
	2	
	9	
	2	
	360	
	798	

# APPENDIX:

XXX

## ABSTRACT of money: received for fines, and how appropriated.

<p>Amount brought forward, Cash received for fines, Cash: received from State Treasury,</p> <p>TOTAL CASH RECEIVED,</p> <p>Cash paid on orders of Col. for musical instruments, Cash paid Officers at Drills, Cash paid Regimental Courts Martial,</p> <p>TOTAL PAID OUT,</p> <p>Balance in Quarter Master's hands,</p>						
	1st Regiment.					
	2d Regiment.	263 38	46 00			
	3d Regiment.	48 24	94 24			
	4th Regiment.					
	5th Regiment.	20 00	14 60	34 60	22 15	12 45
	6th Regiment.					

## APPENDIX.

<i>Abstract of moneys received, &amp;c.—continued.</i>	
Amount brought forward, Cash received for Fines, Cash received from State Treasury,	120 75 82 13
TOTAL CASH RECEIVED,	202 88
Cash paid on orders of Cols. for musical instruments,	200 00
Cash paid Officers at Drills,	2 60
Cash paid Regimental Courts Martial,	
TOTAL PAID OUT,	202 60
Balance in Quarter Master's hands,	28
	7th Regiment.
	8th Regiment.
	9th Regiment.
	10th Regiment.
	11th Regiment.
	12th Regiment.

## APPENDIX.

XXXI

*Abstract of moneys received, &c.—continued.*

<p>Amount brought forward, Cash received for fines, Cash received from State Treasury,</p> <p>TOTAL CASH RECEIVED,</p> <p>Cash paid on orders of Cols. for musical instruments, Cash paid officers at drills, Cash paid regimental Courts Martial,</p> <p>TOTAL PAID OUT,</p> <p>Balance in Quarter Master's hands,</p>					
		13th Regiment.			
		14th Regiment.			
		15th Regiment.			
		16th Regiment.			
	19 34	17th Regiment.			
		18th Regiment.			

<i>Abstract of moneys received, &amp;c.—continued.</i>						
Amount brought forward, Cash received for fines, Cash received from State Treasurer,  TOTAL CASH RECEIVED,  Cash paid on orders of Col. for musical instruments, Cash paid officers at drills, Cash paid Regimental Courts Martial,  TOTAL PAID OUT,  Balance in Quarter Master's hands,						
	19th Regiment.					
	20th Regiment.					
	21st Regiment.					
	22nd Regiment.					
	23d Regiment.					
	24th Regiment.					
		8 25		121 25	141 50	90 50
				35 00	20 00	87 82
						250 00
		8 25	156 25	161 50	428 32	264 70
			48 00		10 00	2 67
				119 68	196 00	
				28 98	47 58	
			48 00	143 66	253 58	2 67
		8 25	108 25	17 84	174 74	262 08

APPENDIX.

XXIII

<i>Abstract of moneys received, &amp;c.—continued.</i>				
<p>Amount brought forward, Cash received for Fines, Cash received from State Treasury,</p> <p>TOTAL CASH RECEIVED,</p> <p>Cash paid on orders of Col. for musical instruments, Cash paid Officers at Drills, Cash paid Regimental Courts Martial,</p> <p>TOTAL PAID OUT,</p> <p>Balance in Quarter Master's hands,</p>				
	25th Regiment.			
	26th Regiment.			
	27th Regiment.			
	GRAND TOTAL.			

QUARTER MASTER GENERAL'S OFFICE, }  
*Montpelier, 1st day of July, 1840.* }

DAVIS RICH, *Quarter Master General*  
*of the Militia of the State of Vermont.*



## ADJUTANT & INSPECTOR GENERAL'S REPORT.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE, }  
 Rutland, October, 1840. }

SIR:—The Adjutant and Inspector General, in addition to the annual return required by law, respectfully submits the following statistical and general report; and requests that the same may be communicated to the legislature:

Major Generals	4	
Brigadier Generals	9	
Adjutant and Insp. General	1	
Quarter Master General	1	
Division Inspectors	3	
“ Qt. Masters,	3	
Aids de Camp	19	
Brigade Majors	9	
“ Qr. Masters	9	
	—	
General staff		58
Colonels	28	
Lieutenant Colonels	28	
Majors	28	
Adjutants	27	
Quarter Masters	28	
Chaplains	20	
Surgeons	26	
Surgeon's mates	21	
Sergeant Majors	24	
Qr. Master Sergeant's	24	
	—	
Field and Staff		254

### CAVALRY.

Captains	6
Lieutenants	12
Cornets	6
Buglers, &c.	10
Sergeants	18

# APPENDIX.

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Corporals	18
Privates	176
Commissioned officers	24
Non com. offi. and privates	222
	—
Aggregate of cavalry	246

## ARTILLERY.

Captains	20
Lieutenants	57
Musicians	94
Sergeants	74
Corporals	72
Privates	780
Commissioned officers	77
Non-com. offi. and privates	1020
	—
Aggregate of artillery	1097

## LIGHT INFANTRY.

Captains	22
Lieutenants	43
Musicians	83
Sergeants	83
Corporals	79
Privates	1049
Commissioned officers	62
Non-com. and privates	1294
	—
Aggregate	1356

## RIFLEMEN.

Captains	34
Lieutenants	68
Musicians	151
Sergeants	132
Corporals	130
Privates	1785

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Commissioned officers	110
Non-com. and privates, &c.	2199
	<hr/>
*Aggregate	2309

## INFANTRY.

Captains	189
Lieutenants	382
Musicians	813
Sergeants	708
Corporals	594
Privates	18310
Commissioned officers	769
Non-com. off. privates, &c.	20469
	<hr/>
†Aggregate	21238

Number of Divisions	3
“ Brigades	9
“ Regiments	28
“ Companies	291

## AGGREGATE.

General Staff	58
Cavalry	246
Artillery	1097
Infantry	21238
Riflemen	2309
Light Infantry	1356
	<hr/>
Grand Total	26304

## ARMS AND ACCOUTREMENTS.

Brass six pounders	2
“ three pounders	1
Iron six pounders	9

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\* Including field and staff, and rank and file, of the Rifle Regiment established in the First Brigade of the Second Division.

† Not including General, Field and Staff Officers.

# APPENDIX.

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Iron four pounders	
Sponges and rammers	14
Ladles and worms	5
Bricoles and drag ropes	6
Trail handspikes	16
Lead aprons	3
Ammunition boxes	18
Tumbrels and powder carts	3
Sets of harness	9
Muskets	13960
Bayonets	13774
Cartridge boxes and belts	13738
Bayonet scabbards and belts	13652
Brushes and picks	13839
Spare flints	21966
Rifles	1298
Powder horns	1268
Pouches	1265
Horseman's pistols	418
Swords	209
Knapsacks	13659
Drums	384
Fifes	196
Bugles and trumpets	22

## PUBLIC PROPERTY IN THE SEVERAL BRIGADES.

Bugles	6
Bass drums	78
Tenor	65
Fifes	53
Stands of colours	18
Books of Record	271
Copies of tactics	225
Blank returns	942
“ sergeant's warrants	290
Iron four pounders	2
Iron six “	10
Brass three “	1
Brass six “	1
Limbers	8
Trail handspikes	13

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Lint Stocks	4
Tumbrels	3
Lead aprons	2
Bricoles	10
Priming wires	11
Ammunition boxes	15
Port fire cases	2
Thumb stalls	5
Powder horns and belts	6
Sponges and rammers	20
Wormers and ladles	5
Sponge Buckets	2
Sets of harness	9
Prolongues	2
Rifles	360
Muskets, rods and bayonets	768

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### MONEYS RECEIVED AND APPROPRIATED.

Amount brought forward from last accounts from	
10 regiments	\$626 96
“ received for fines in 16 regiments	862 64
“ received from State Treasury in 4 regts.	1100 00
Total cash received	<u>\$2599 60</u>
Amount paid for musical instruments in 7 regiments	442 67
“ paid at drills in 6 regiments	956 84
“ paid regimental courts martial in 9 reg'ts.	275 17
Total cash paid	<u>\$1674 68</u>
Balance in Quarter Master's hands in 15 reg'ts	\$924 92

In order to account for the above meagre returns, made to the Quarter Master General's department, of the several quarter master's accounts, it is necessary to explain,—that the returns last year of those officers, made under the then existing law, embraced the state of their accounts to the first of September. By the act of last session they were required to make their returns to the first of July of this year; thus

excluding from their accounts the amount of moneys, received as fines and from the state treasurer and paid for officer drills ; all which items, being since their returns, must be embraced in their accounts of next year.

Since the 22d of November, 1838, the number of commissions issued from this department is nine hundred and forty-six ; and the number of commissioned officers who have resigned, removed and deceased is three hundred and seventy.

Within the same period there have been three general courts-martial, and one court of inquiry ; by which three officers have been tried and the case of one investigated ; all of whom were found guilty of charges preferred. One was dismissed the service, one was reprimanded in orders, one privately reprimanded, and one fined the sum of ten dollars.

There has been no time within the last thirteen years, when so much interest, so great zeal and military spirit, has been manifested by the militia of this state, as is now awakened. The reviews have been well attended during this year, and the appearance of many of the general, field and staff officers of all grades has been such as is not surpassed by those of any other state ; and a spirit of emulation seems to pervade the whole.

A number of independent companies have been formed under the encouragements and inducements which the legislature has afforded, the members of which, in officer and soldier like appearance, zeal, emulation and military skill in the discharge of their duties, bid fair to put the state under greater obligations to her soldiery, than we have ever been.

These facts, with a view of all the obstacles and difficulties which have been thrown in the way of our militia by charlatan legislators, evidently shew that it needs but the fostering hand of our legislature, manifested in the providing of a new and adequate system, to make it all that is desirable as an arm of the state.

I have the honor to be, sir,

With the greatest respect,

Your most obedient servant,

F. W. HOPKINS, Adj. & Insp. General.

His Excellency, S. H. JENISON.

APPENDIX.

**ABSTRACT** of the annual return of the Militia of the State of Vermont,  
for the year 1840.

Aggregate,	Light Infantry,	Riflemen,	Infantry,	Artillery,	Cavalry,	General Staff,	
4					4		Major Generals.
9					9		Brigadier Generals.
1					1		Ad. & Inspector General.
1					1		Quarter-Master General.
19					19		Aids-de-Camp.
9					9		Brigade Majors.
9					9		Brigade Quarter-Masters.
3					3		Division Inspectors.
3					3		Division Quarter-Masters.
28							Colonels.
28							Lient. Colonels.
28							Majors.
27							Adjutants.
28							Quarter-Masters.
							Paymasters.
20							Chaplains.
26							Surgeons.
21							Surgeon's Mates.
27							Captains.
56							Lieutenants.
2							Ensigns
							Cornets.
6							Sergeant Majors.
24							Quarter Master Sergeants.
24							Musicians.
11							Buglers and Trumpeters.
41							
10							

# APPENDIX.

XLII

## ABSTRACT—concluded.

General Staff, Cavalry, Artillery, Infantry, Riflemen, Light Infantry.	Aggregate,		
		Sergeants.	Corporals.
18	18	74	72
708	594	132	130
83	79		
176			
780			
18310			
1784			
1049			
24			
77			
769			
110			
62			
292			
1020			
20469			
2199			
1294			
246			
1097			
21238			
2309			
1356			
6			
20			
209			
34			
22			
291			
		REMARKS.	



ARMS, ACCOUTREMENTS, AND AMMUNITION.		
2	Six pounders.	BRASS.
1	Three pounder.	
	Pounders.	
	Pounders.	
	Pounders.	
	Pounders.	
	Pounders.	
	Pounders.	
	Inch howitzers.	IRON.
	Inch howitzers.	
	Inch howitzers.	
9	Six pounders.	
2	Four pounders.	
	Pounders.	
	Pounders.	
	Pounders.	
	Pounders.	
	Pounders.	
	Pounders.	
	Pounders.	
	Pounders.	
	Inch howitzers.	
	Inch howitzers.	
	Inch howitzers.	
14	Sponges and rammers.	
5	Ladles and Worms.	
6	Bricoles and Drag Ropes.	
16	Trail Handspikes.	
3	Lead Aprons.	
18	Ammunition Boxes.	
3	Tumbrels & powder carts.	
9	Sets of harness.	
	Rounds of Shot & Shells.	
	Pounds of Canon powder.	

ORDNANCE AND ORDNANCE STORES.

APPENDIX.

XLIII

<i>ARMS, ACCOUTREMENTS, AND AMMUNITION—continued.</i>	
13960	Muskets
13774	Bayonets
13738	Cartridge boxes and belts
13652	Bayonet scabbards and belts
13839	Brushes and picks
21966	Spare flints
	Ball Catridges
1298	Rifles
1268	Powder horns
1265	Pouches
	Loose Balls
	Pounds of Rifle powder.
418	Horseman's pistols
209	Swords
209	Sword Scabbards and Belts.
13659	Knapsacks
384	Drums
196	Fifes
22	Bugles and trumpets

*Adjutant General's Office, Rutland, }  
1st day of Oct. A. D. 1840. }*

**F. W. HOPKINS, Adj. General of the Militia  
of the State of Vermont.**

# AUDITOR'S ABSTRACT.

An abstract of all orders drawn on the treasury of the State of Vermont, on accounts allowed by the Auditor of Accounts, since the 18th day of October, 1839, to this 3d day of October, 1840.

DATE.	NO.	IN WHOSE NAME DRAWN.	AM' T.
Oct 10, '39,	1	Albert Stevens,	
		For services at Court Martial,	2 90
" " "	2	A. S. Hinds,	
		For the like service,	1 40
" " "	3	Hiram Earl,	
		For like services,	2 45
" " "	4	A F. Keeler,	
		For like services,	90
" " "	5	G. Perry, Sheriff,	
		For distributing packages,	22 00
11th, "	6	Tappan Stevens, Sheriff,	
		For distributing packages,	18 00
" " "	7	Samuel Swift,	
		For cash, revising statutes,	30 03
" " "	8	L. Farrar,	
		For repairing lock at State house	75
" " "	9	Hazen Lyford,	
		For services at Court Martial,	4 50
" " "	10	L. F. Waterman,	
		For similar services,	4 25
12th, "	11	Geo. A. Allen, Sheriff,	
		For distributing packages,	20 00
" " "	12	Gates Perry, Sheriff,	
		For paid freight on proclamation,	1 00
14th, "	13	A. G. Whittemore, Com'r. deaf and dumb,	
		For time and paid in that service,	37 46
" " "	14	A. B. Straight, Jailor,	
		For boarding state prisoners,	2 36
" " "	15	G. H. Smith, Sheriff,	
		For boarding State prisoners,	64 05
" " "	16	Town of Fairhaven,	
		For error in state tax,	2 79
" " "	17	Jeptha Bradley, Sheriff,	
		For clothing state prisoners,	11 25
" " "	18	Same,	
		For boarding state prisoners,	98 74
15th, "	19	Town of Burlington,	
		For boarding state paupers,	64 90
" " "	20	Sundry persons,	
		For services at Court Martial,	137 05
" " "	21	Town of Burlington,	
		For error in state tax,	46 08
" " "	22	Riverius Camp, Sheriff,	
		For distributing packages,	24 00
" " "	23	C. L. Knapp, Sec. State,	
		For cash paid stationery, &c.	9 85

## APPENDIX.

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DATE.	NO.	IN WHOSE NAME DRAWN.	AMOUNT.
Oct. 15, '39,	24	Chauncey Goodrich, For 13 vols. ancient journal of legislature of Vt.	20 00
" 17, "	25	A. G. Chadwick, For advertising com'r's notice, deaf and dumb,	2 00
" " "	26	Allen Wardner, For time examining state prison property,	10 00
" " "	27	Jacob Bates, Sheriff, For time and expense apprehending felon,	63 46
" " "	28	Harry Bradley, Bank Commissioner, For 29 days in that service,	116 00
" " "	29	Selectmen of Highgate, For furnishing detailed militia,	63 02
" 18, "	30	Elias Smith, For service at military court of inquiry,	90
" " "	31	Nathan Murray, For like service,	1 10
" " "	32	Enos P. Bascomb, For the like service,	85
" " "	33	John Smith, Comr. to revise statutes, For cash paid in that service,	132 51
" " "	34	John Pettes, Sheriff, For distributing packages,	24 00
" " "	35	E. Brewster, For services at Court Martial,	3 85
" 19, "	36	Robert Pierpoint, For two days examining state prison and expense,	10 75
" " "	37	Same, as Com. to revise statutes, To paid expenses,	37 00
" " "	38	Davis Rich, Q. M. General, For balance due, paid repairing state arms,	79 47
" 21, "	39	Town of Burke, For error in state tax,	44 08
" " "	40	Ira McLoud, For services at court martial,	4 80
" " "	41	Tilnus Hathway, For like service,	4 50
" " "	42	Norman Williams, Com. to revise statutes, For expenses paid,	35 37
" 22, "	43	Jacob Bates, Sheriff, For distributing packages,	24 00
" 23, "	44	Town of Bridgewater, For error in State tax,	5 09
" " "	45	N. W. Kingman, For 239 pounds bullets,	21 51
" " "	46	Brainard and Dutcher, For balance of ammunition,	37 06
" 24, "	47	Curtis & Russell, For casting bullets, &c.	17 93
" " "	48	E. A. Allen, For state printing,	25 50
" 25, "	49	Anson Davis, Jailor, For boarding state prisoners,	125 51

DATE.	NO.	IN WHOSE NAME DRAWN.	AM'T.
Oct. 25, '39,	50	Town of Panton,	
		For error in State tax,	6 30
" 26, "	51	John Currier, Sheriff,	
		For boarding state prisoners, clothing, &c.	73 39
" 29, "	52	E. P. Walton & Sons,	
		For stationary, printing, &c.	436 92
Nov. 1, "	53	His Excellency, Gov. Jenison,	
		For postage on official letters,	26 05
" 2, "	54	C. L. Knapp,	
		For paid for maps,	25 00
" 4, "	55	F. F. Merrill, Clerk of House,	
		For paid postage on official letters,	55
" " "	56	Davis Rich, Quarter Master General,	
		For attending at Montpelier and expenses to make report,	20 90
" " "	57	Charles Davis,	
		For auditing treasurer's accounts,	33 30
" 6, "	58	John Dewey, Comr. deaf dumb and blind,	
		For time and expenses in that service,	38 01
" 8, "	59	Samuel Adams,	
		For time and expenses examining state prison,	28 00
" " "	60	Norman Williams, Com. to revise statutes,	
		For paid for stationary,	5 38
" " "	61	C. L. Knapp, Sec. State,	
		For stationary, &c. (see also No. 23,)	4 75
" " "	62	Follett and Bradley,	
		For storage,	
" 9, "	63	E. P. Walton & Sons,	
		For state printing, & stationary,	148 70
" 11, "	64	Daniel Davison, Jailor,	
		For boarding state prisoners,	2182
" 12, "	65	Wm. Weston, Asst. Sec'y of Senate,	
		For paid for stationary,	8 00
" " "	66	S. H. Jenison, Governor,	
		For paid freight on public documents,	1 19
" 13, "	67	H. F. Janes, Treasurer,	
		For bill of postage and stationary,	44 94
" " "	68	L. B. Peck, Com. to revise statutes,	
		For paid stationary and expenses,	34 23
" 15, "	69	H. B. Mott, Sheriff,	
		For distributing packages,	8 00
" " "	70	Marston and Barker,	
		For state printing,	221 04
" " "	71	W. H. H. Bingham, Judge Adv.	
		For services at court martial,	19 35
" " "	72	Simeon S. Clarke,	
		For like service,	3 60
" 16, "	73	J. and C. Spalding,	
		For grass seed for state house yard,	81
" 18, "	74	Samuel Hoyt and others,	
		For services at court martial,	30 20
" " "	75	Col. H. Earl, for the like service,	4 10

## APPENDIX.

XLVII

DATE.	NO.	IN WHOSE NAME DRAWN.	AM'T.
Nov. 19, '39,	76	H. T. White and Co.	
" " "	77	For stationary, Zenias Wood,	26 98
" " "	78	For repairing lanthorns, &c. about state house, E. P. Walton and Sons,	8 31
" " "	79	For State printing, &c. James Howland,	308 10
" " "	80	For services as cabinet maker at state house, West Fairlee,	12 26
" " "	81	For error in state tax, Bishop and Winslow,	6 74
" " "	82	For state printing, A. D. Arms, Librarian,	4 48
" " "	83	For stationary, Ephraim Maxham,	2 00
" " "	84	For state printing, G. B. Manser, Sec. civil and military affairs,	4 48
Dec. 4, "	85	For bill of postage, Eesc Atwood, Jailor,	11 92
" 9, "	86	For boarding state prisoners, Ira Parsons, Sheriff,	33 38
" " "	87	For boarding State prisoners, F. W. Hopkins, Adj. and Insp. General,	110 38
" " "	88	For stationary and postage, Wm. P. Dodge,	39 95
" 13, "	89	For services at court martial, Chauncey Goodrich,	3 80
" 16, "	90	For stationary and blanks for militia, Same,	31 25
" " "	91	For balance of stationary bill, George H. Smith, Sheriff,	62 50
" " "	92	For boarding state prisoners, Nahum Haskell,	30 44
" " "	93	For state printing, C. H. Severance,	17 46
" " "	94	For printing, Marston and Barker,	15 00
" 19, "	95	For state printing, C. G. Eldridge,	17 46
" 23, "	96	For state printing, H. B. Stacy,	15 00
" " "	97	For state printing, J. C. Haswell,	48 39
" 24, "	98	For like services, Bishop and Winslow,	48 38
" 27, "	99	For the like service, John Currier, Sheriff,	48 48
" 30, "	100	For boarding state prisoners, Marston and Barker,	15 00
Jan. 1, '40,	101	For state printing, C. G. Eldridge,	33 52
		For state printing,	33 52

DATE.	NO.	IN WHOSE NAME DRAWN.	AM'T.
Jan. 1, '40,	102	Ludger Duverney,	
		For state printing,	14 87
" 2, "	103	Tracy and Severance,	
		For state printing,	48 52
" " "	104	E. P. Walton and Sons,	
		For state printing,	548 13
" " "	105	Cyrus Ware, Sergeant at arms,	
		For services in that office,	16 25
" 4, "	106	J. W. Moore,	
		For state printing,	48 52
" " "	107	Wm. E. Ryther,	
		For state printing,	15 00
" " "	108	Ephraim Maxham,	
		For state printing,	63 45
" 9, "	109	G. W. Nichols,	
		For like service,	48 52
" 10, "	110	Chas. Hopkins,	
		For hiring out convicts in state prison,	42 38
" " "	111	John Moulton,	
		For like service,	25 00
" " "	112	Otis Chamberlain,	
		For like service,	28 08
" 13, "	113	E. A. Allen,	
		For state printing,	15 72
" 14, "	114	G. A. Grant,	
		For state printing,	33 52
" " "	115	Certain persons,	
		For services at court of inquiry,	24 45
" 15, "	116	J. W. Remington,	
		For state printing,	48 52
" 17, "	117	D. C. Goodale,	
		For state printing,	15 00
" 20, "	118	G. A. Grant,	
		For state printing,	15 00
" " "	119	E. B. Whiting,	
		For state printing,	48 52
" 22, "	120	D. C. Goodale,	
		For state printing,	33 52
" 28, "	121	O. S. Murray,	
		For state printing,	48 36
Feb. 10, "	122	Hiram D. Wilkins,	
		For services at court martial,	3 65
" 13, "	123	Solomon Foot,	
		For time and expense apprehending a felon,	65 50
" 15, "	124	J. Parsons, Sheriff,	
		For boarding state prisoners,	27 86
" 17, "	125	N. Williams, Com. to revise statutes,	
		For expenses superintending publication,	33 88
" 18, "	126	H. J. Thomas,	
		For state printing,	15 00
" 20, "	127	Joseph Dorrence, Jailor,	
		For boarding state prisoners,	78 33

## APPENDIX.

XLIX.

DATE.	NO.	IN WHOSE NAME DRAWN.	AM'T.
Feb. 25, '40,	128	Charles Hopkins, For five days time making report to legislature on state prisoners,	10 00
Mar. 6, "	129	Esec Atwood, Jailor, For boarding state prisoners,	75 16
" " "	130	A. G. Chadwick, For state printing,	57 52
" 23, "	131	E. H. Prentiss, For ten cords wood for state house,	15 00
" 26, "	132	Town of North Hero, For boarding state paupers,	10 50
" 31, "	133	H. F. White and Co. For state printing and stationary,	81 25
April 8, "	134	R. Pierpoint, Com. to revise statutes, For expenses revising publication,	66 40
" " "	135	Samuel Swift, do. do. For like expenses,	51 74
" " "	136	Norman Williams, do. do. For like expenses,	29 38
" 13, "	137	P. G. Camp, Jailor, For boarding state prisoners,	24 79
" 18, "	138	Ebenezer Eaton, For state printing,	56 52
" " "	139	George W. Rice, Jailor, For boarding state prisoners,	140 28
" " "	140	Anson Davis, Jailor, For the like service,	134 77
" 22, "	141	Nathl. Daggett, Jr. Jailor, For boarding state prisoners,	88 48
" 27, "	142	E. P. Walton and Sons, For state printing and stationary,	867 53
" 29, "	143	Sundry persons, For services at court martial,	259 40
May 13, "	144	Lucias Howes, Jailor, For boarding state prisoners,	121 90
" 27, "	145	Jno. Kelley, Jailor, For boarding state prisoners,	40 88
June 10, "	146	Esec Atwood, Jailor, For like services,	32 62
" 18, "	147	Richard Fisk, For doctoring and clothing do.	17 13
" 18, "	149	R. Fisk, Jailor, For boarding state prisoners,	309 04
" 20, "	150	J. E. and H. Roberts, For state printing,	15 00
" 29, "	151	L. S. Noble, Jailor, For boarding state prisoners,	23 69
" " "	152	D. R. Boyce, Sheriff, For boarding state prisoners,	159 76
July 10, "	153	Joel Lull, Sheriff, For distributing packages,	24 00
" 17, "	154	Sabin Kellum, Sheriff, for distributing packages,	18 00



# APPENDIX.

DATE.	NO.	IN WHOSE NAME DRAWN.	AM'T.
July 17, '40,	155	Aaron Pierce, Physician,	
" " "	156	For doctoring state prisoners,	2 00
" " "	156	Nath'l. Daggett, Jailor,	
" 27, "	157	For boarding state prisoners,	56 10
" " "	157	Zerah Lull, Jailor,	
Aug. 1, "	158	For boarding state prisoners, ,	33 14
" " "	158	J. D. Powers, physician,	
" 5, "	159	For doctoring state prisoners,	4 00
" " "	159	Jonathan Kelsey, Jailor,	
" " "	160	For boarding state prisoners,	14 79
" " "	160	L. S. Noble, Dept. Jailor,	
" 7, "	161	For boarding state prisoners,	18 99
" " "	161	Jeptha Bradley, late Sheriff,	
" " "	162	For boarding state prisoners,	43 40
" " "	162	Town of St. Albans,	
" " "	163	For paid boarding state paupers,	7 78
" " "	163	L. S. Noble, Deputy Jailor,	
" 10, "	164	For boarding state prisoners,	4 26
" " "	164	Esec Atwood, Dept. Jailor,	
" " "	164	For boarding state prisoners,	69 64
			\$8130 20

Auditor's Office, Woodstock, }  
October, 3d, 1840. }

I hereby certify that the foregoing is a correct abstract of all orders drawn on the treasurer of the state of Vermont, on accounts by me allowed, as Auditor of Accounts, since the eighth day of October, 1839, to this third day of October, 1840, inclusive, amounting to the sum of eight thousand one hundred and thirty dollars, twenty cents.

DAVID PIERCE, *Auditor of Accounts.*

His Excellency, S. H. JENISON, Governor, &c.

## REPORT ON THE PUBLIC LANDS.

*To the Senate now in session :*

The select committee, to whom were referred certain communications from the states of New York, Connecticut and Kentucky, on the subject of the Public Lands, which accompanied the special message of the Governor to the Senate, of the 13th of October instant, having had the same under consideration, beg leave to report.

That they regard the subject as of pre-eminent importance, both as it respects the principles of justice and good faith, as well as the vast amount of property involved; still they deem it unnecessary to present their own views at length, inasmuch as a very able and elaborate report on this subject was made to the Legislature at its last session, and printed in the Journal of the Senate; in the general views and conclusions of which, your committee most fully acquiesce.

Such is the coincidence of views, exhibited in the several reports and resolutions from the states above mentioned, that your committee deem it sufficient to select two only of the resolutions from the State of Kentucky, which, in their opinion, are declaratory of the true doctrine and policy in reference to this subject; which resolutions are in the following words, to wit:

1. "Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the Public Lands of the United States are not, of right, the property of the particular States in which they lie, nor that of the people of such States, and therefore the Congress of the United States ought not to cede such lands to such States or any of them, or to appropriate such Lands for any purpose whatever, but in behalf and for the benefit of *all* the States."

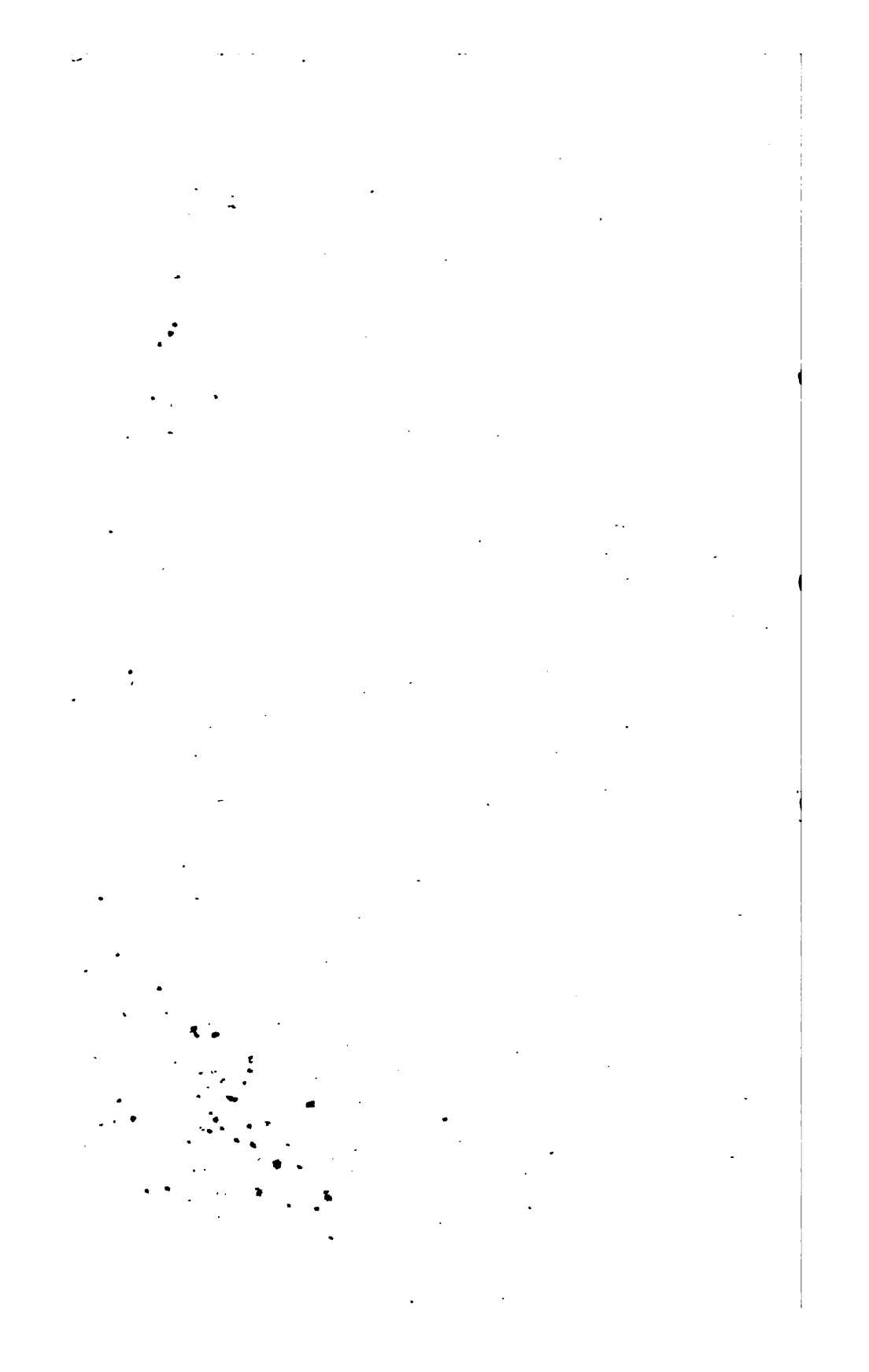
2. "Resolved, That the National debt being now paid off, all moneys arising from the sales of the Public Lands after defraying the expenses incident to such sales, ought to be distributed among the several States according to the federal numbers of each State."

Your committee therefore recommend the adoption of the following resolutions:

Resolved, by the Senate and House of Representatives, That they fully concur with the General Assembly of the Commonwealth of Kentucky in the views set forth in their resolutions above recited.

Resolved, That a copy of the foregoing report and resolution, be forwarded by the Governor to each of our Senators and Representatives in Congress, and also to the Governors of the several States in the Union, with a request to lay the same before their respective Legislatures.

A. G. DANA, for Committee.



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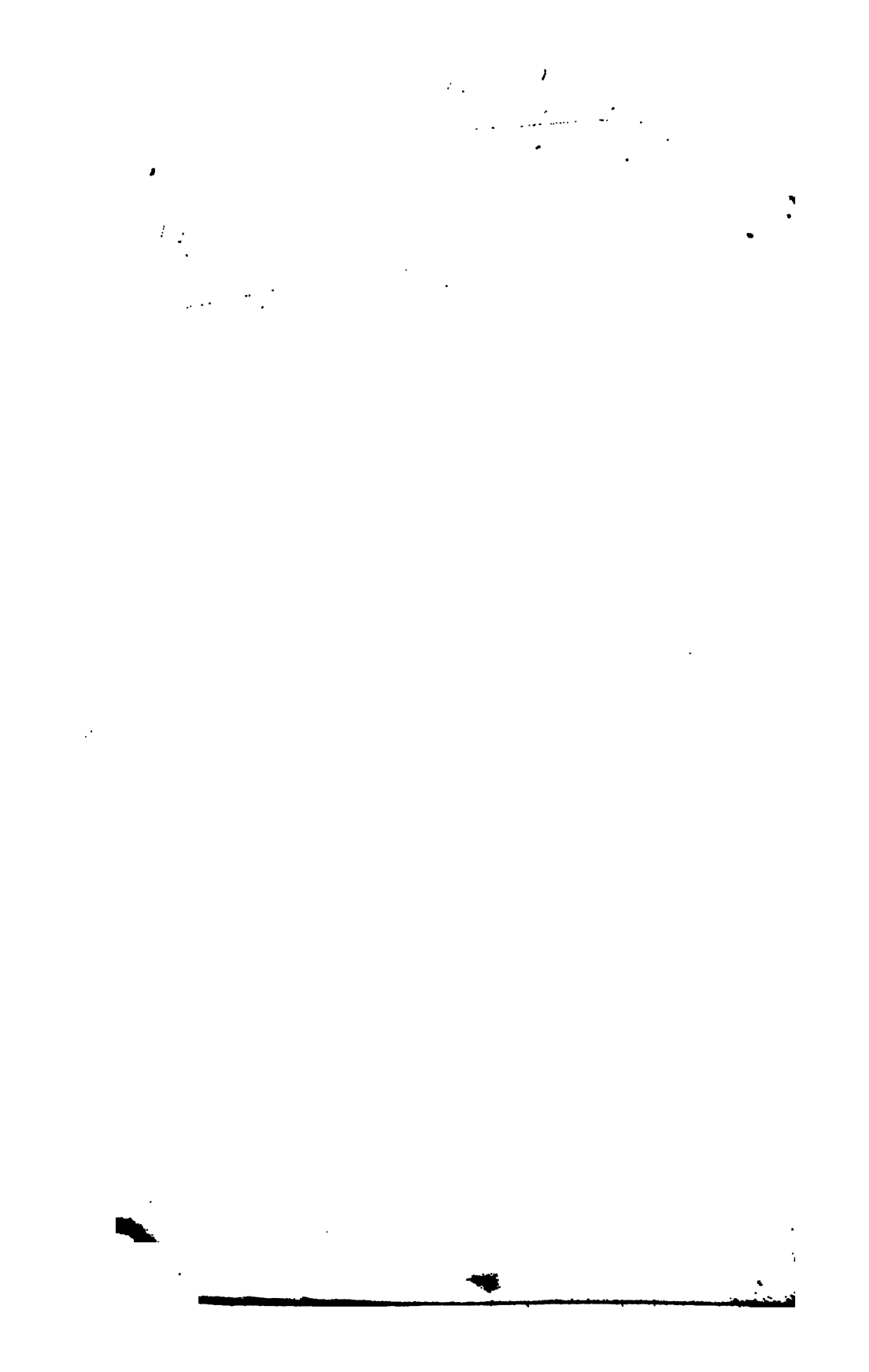
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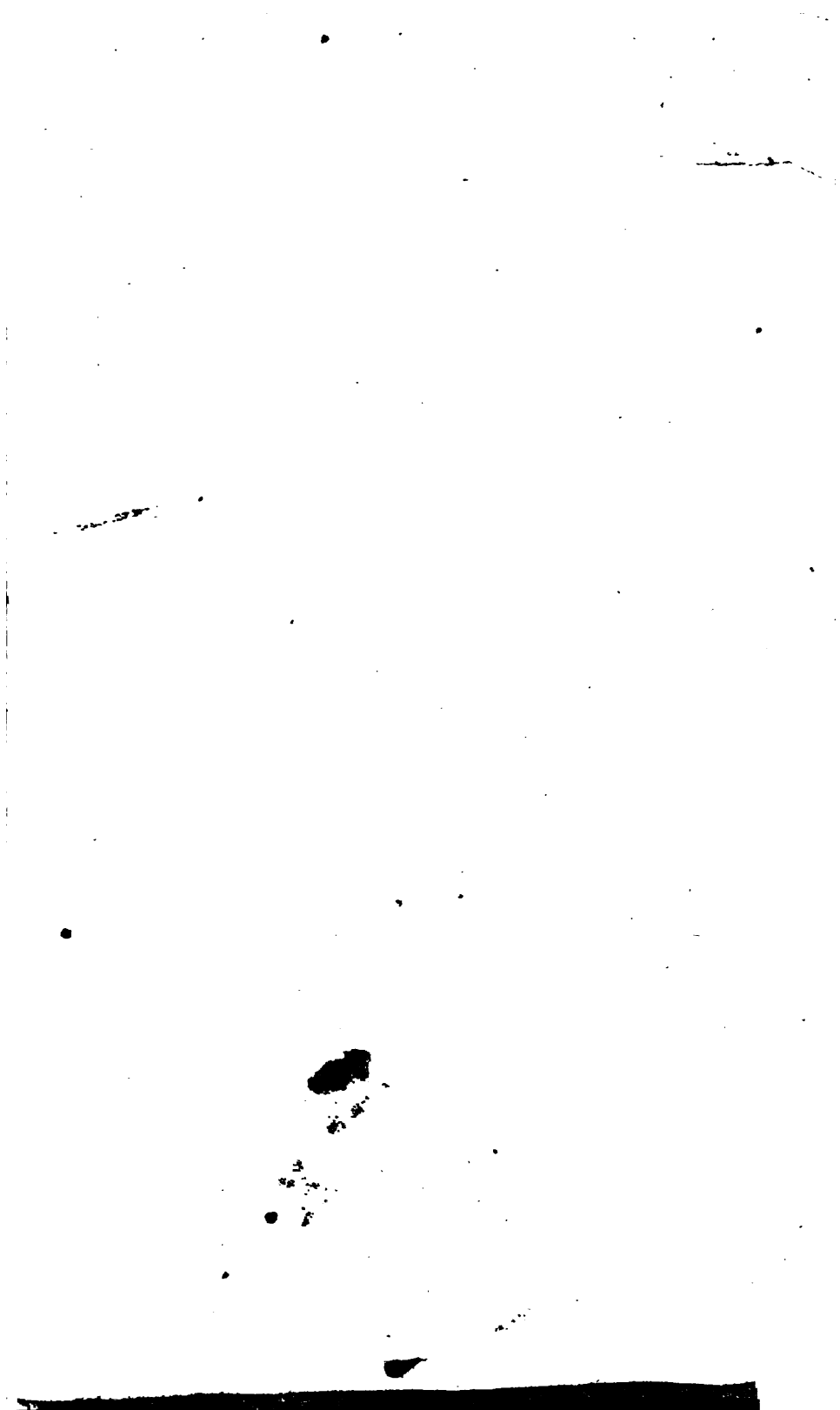
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**JOURNAL OF THE  
SENATE.**

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1843.

1843.



THEY ARE ALL BROTHERS  
STACIE

# **JOURNAL**

**OF THE**

# **S E N A T E**

**OF THE**

**STATE OF VERMONT.**

**OCTOBER SESSION,**

**1841.**

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**PUBLISHED BY AUTHORITY.**

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**1841.**



# JOURNAL.

THURSDAY, OCTOBER 14, 1841.

Agreeably to the provisions of the Constitution, the Senate of the State of Vermont convened, at the State House, in Montpelier, on the second Thursday of October, being the fourteenth day of the month, in the year of our Lord one thousand eight hundred and forty-one. In the absence of the Lieutenant Governor, the Senate was called to order by D. W. C. CLARKE, Esq., Secretary, when the following Senators answered to their names and were sworn:—

<i>Bennington County,</i>	-	-	-	-	NOADIAH SWIFT, HENRY SHELDON.
<i>Windham County,</i>	-	-	-	-	JOHN BARRETT, DAVID CRAWFORD, EMERY WHEELOCK.
<i>Rutland County,</i>	-	-	-	-	ORSON CLARK, ANDERSON G. DANA, ISAAC NORTON.
<i>Windsor County,</i>	-	-	-	-	BARNABAS DEAN, ABEL GILSON, WALTER PALMER, THOMAS P. RUSSELL.
<i>Addison County,</i>	-	-	-	-	ELIAS BOTTUM, ISAAC CHIPMAN, DORASTUS WOOSTER.
<i>Orange County,</i>	-	-	-	-	CALVIN BLODGETT, ROYAL HATCH, TAPPAN STEVENS.
<i>Chittenden County,</i>	-	-	-	-	THADDEUS R. FLETCHER, DAVID FRENCH.
<i>Washington County,</i>	-	-	-	-	PAUL DILLINGHAM, JR., NATHANIEL EATON.
<i>Caledonia County,</i>	-	-	-	-	DANIEL W. AIKEN, THOMAS BARTLETT, JR.
<i>Franklin County,</i>	-	-	-	-	HORACE EATON, MOSES FISK, ALVAH SABIN.
<i>Orleans County,</i>	-	-	-	-	SIDNEY S. HEMENWAY.
<i>Essex County,</i>	-	-	-	-	STEPHEN HOWE.
<i>Grand Isle County,</i>	-	-	-	-	WILLIAM L. SOWLES.

On motion of Mr. Clark, the Senate proceeded to the election of a President *pro tempore*; when, on assorting the ballots, it was found that the

Hon. Horace Eaton, Senator from Franklin County, was duly elected, and he, thereupon, took the Chair.

On motion of Mr. Wooster,

*Ordered*, That the rules of the Senate of the last session be adopted as the rules of the present session until otherwise ordered.

On motion of Mr. Dana,

*Ordered*, That a message be sent to the House of Representatives, informing them that the Senate is assembled, and are organized; having elected the Hon. Horace Eaton President *pro tempore*.

On motion of Mr. Swift, and on the nomination of the President, the following Senators were appointed a committee to canvass the votes for Governor, Lieutenant Governor, and Treasurer: Messrs. Wooster, Clark, Swift, Crawford, Dean, Hatch, Eaton of Washington, Fletcher, Aiken, Sabin, Sowles, Hemenway, Howe, and Fisk; and they were, thereupon, sworn.

Mr. Dillingham introduced the following resolution:

*Resolved*, (the House concurring,) That the members of both houses meet in joint assembly this afternoon at 3 o'clock, to hear the report of the Canvassing Committee.

Which was read and passed.

Mr. Wooster introduced the following resolution:

*Resolved*, That the Secretary be directed to furnish the President, Secretary and Assistant, and each Senator, with one daily and one weekly newspaper, during the session, such as each may designate, at the expense of the State.

Which was read and passed.

Mr. Dillingham presented the memorial of Moody Rich, claiming to have been elected Senator from the County of Essex, and praying to be admitted to his seat as such Senator.

Which was read, and laid on the table.

On motion of Mr. Dana,

*Ordered*, That when the Senate adjourn, it adjourn to meet at 3 o'clock this afternoon.

Mr. Crawford introduced the following resolution:

*Resolved*, That the Secretary of the Senate, and the Clerk of the House of Representatives, procure to be published, in pamphlet form, for the use of the members of the General Assembly, six hundred copies of the Legislative Directory, with the Joint Rules, and the Rules of both houses.

Which was read and passed.

On motion of Mr. Clark,

*Ordered*, That the Senate do now proceed to ballot for a Secretary and Assistant Secretary for the year ensuing: Whereupon,

The ballots having been taken and examined, D. W. C. Clarke was found to be duly elected Secretary, and Edward A. Stansbury Assistant Secretary; and they were thereupon duly sworn, and entered upon the duties of their respective offices.

On motion of Mr. Wooster,

*Ordered*, That the Senate do now proceed to ballot for a Chaplain of the Senate, for the year ensuing: Whereupon,

The ballots having been taken and examined, the Rev. Charles R. Harding was found to be elected.

The Sergeant-at-arms having nominated, and recommended to the President of the Senate, for his approval, Zebina C. Camp, for Doorkeeper of the Senate, and F. A. Garfield for Assistant, for the year ensuing, and the President having approved the said nominations, they were, severally, duly sworn.

The following communication was received from the Hon. Speaker of the House of Representatives:

IN HOUSE OF REPRESENTATIVES, }  
Oct. 14, 1841. }

SIR:—I have the honor to inform the Senate that the House of Representatives have assembled, and organized by electing Carlos Coolidge Speaker for the year ensuing, and Ferrand F. Merrill, Clerk *pro tempore*.

I am, very respectfully,

Your obedient servant,

CARLOS COOLIDGE,

*Speaker of the House of Representatives.*

To the Hon. HORACE EATON,  
*President pro tempore of the Senate.*

A message from the House of Representatives, by Mr. Merrill, their Clerk *pro tempore*:

MR. PRESIDENT:—The House of Representatives have, on their part, appointed a Canvassing Committee, to join the Committee of the Senate, to canvass the votes for Governor, Lieutenant Governor, and Treasurer.

On motion of Mr. Wooster,  
The Senate adjourned.

#### AFTERNOON.

On motion of Mr. Dana,  
*Ordered*, That a message be sent to his Excellency the Governor, informing him that the Senate is organized.

The Secretary was directed to deliver the message.

A message from the House of Representatives, by Mr. Merrill, their Clerk *pro tempore*:

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing a resolution for a joint Assembly to hear the report of the Committee appointed to canvass the votes for Governor, Lieutenant Governor, and Treasurer.

Mr. Crawford introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That both houses meet in joint assembly tomorrow morning at 10 o'clock, for the purpose of electing a Governor, Lieutenant Governor, and Treasurer, for the year ensuing.

Which resolution was adopted.

On motion of Mr. Dana,  
*Ordered*, That the Senate proceed to the election of a Committee on Rules.

Mr. Norton moved to suspend the rule of the Senate requiring that the Committee on Rules be elected by the Senate, and that the same be appointed by the Chair.

Which motion prevailed.

The Chair appointed Messrs. Wooster, Dillingham, and Clark, as said Committee.

A message from the House of Representatives, by Mr. Merrill, their Clerk *pro tempore* :

MR. PRESIDENT :—The House of Representatives concur with the Senate in passing a resolution for a joint assembly to elect a Governor, Lieutenant Governor, and Treasurer.

On motion of Mr. Norton,  
 The Senate adjourned.

FRIDAY, OCT. 15, 1841.

Mr. Bottum introduced the following resolution :

*Resolved*, by the Senate and House of Representatives, That the members of both houses meet in County Conventions on Saturday next, at 3 o'clock, P. M., for the purpose of making nominations of county officers ; and that both houses meet in joint assembly on Monday next, at 10 o'clock in the forenoon, to elect such officers.

Mr. Bartlett moved to lay the said resolution on the table.

Which motion was rejected.

And the resolution was adopted.

On motion of Mr. Bartlett,  
*Ordered*, That the Senate proceed to the election of the chairmen of the several standing committees of the Senate.

And the ballots having been taken and examined, the following named gentlemen were found to be severally elected chairmen of the committees prefixed to their names respectively :

*On Finance*—Mr. Norton.

*On the Judiciary*—Mr. Wooster.

*On Claims*—Mr. Clark.

*On Education*—Mr. Eaton of Franklin.

*On Agriculture*—Mr. Chipman.

*On Manufactures*—Mr. Palmer.

*On Elections*—Mr. Fisk.

*On Military Affairs*—Mr. Crawford.

*On Roads and Canals*—Mr. Bottum.

*On Banks*—Mr. Swift.

*On Land Taxes*—Mr. Dean.

The hour having arrived for the joint assembly to elect a Governor, Lieutenant Governor, and Treasurer, the Senators repaired to the Hall of Representatives.

Mr. Clark moved to suspend further action in the election of chairmen of standing committees until this afternoon.

Which motion prevailed.

On motion of Mr. Dana,

*Ordered*, That a committee of two be appointed to wait upon the Lieutenant Governor elect, and conduct him to the chair.

The Chair appointed Messrs. Dana and Sabin as such committee.

Mr. Dana, from the said committee, reported that they had performed the duty assigned them, by waiting upon the Lieutenant Governor elect, and that his Honor had signified his intention of taking the chair of the Senate at the opening of the session, this afternoon.

On motion of Mr. Sowles,

The Senate adjourned.

#### AFTERNOON.

The Senate having been called to order, his Honor the Lieutenant Governor appeared, and addressed the Senate as follows:

*Mr. President, and gentlemen of the Senate:*

Having been officially informed of my election to the office of Lieutenant Governor of this State by the Representatives of the people, suffer me to express to you my most grateful acknowledgments for the honor conferred. But on entering upon the duties and responsibilities of the important station assigned me, I can but express to you the consciousness I deeply feel, not only of my want of experience as a presiding officer, but of that superior ability which has so long distinguished my predecessor in the chair of the Senate.

But confiding, gentlemen, in your charity and co-operation, I can but cherish the hope, that no reasonable expectation will be disappointed; I can only assure you that no effort of mine will be wanting to execute the trust imposed upon me, with accuracy and impartiality.

And now, gentlemen, as we are about to commence the ordinary business of legislation, clothed with responsible, though brief authority, let us endeavor to forget all party considerations, unbecoming enlightened legislators and statesman, remembering only our obligations to our constituents and to God.

And while we faithfully labor to protect and defend principles and measures which we esteem best calculated to promote the prosperity and happiness of our state and country, let us not fail to ascribe the same purity of intention and honesty of purpose to others that we claim for ourselves. And may mutual confidence, courtesy, and decorum, with patriotic devotion to the best interests of Vermont, characterize the session of '41.



Whereupon the Secretary administered the oaths prescribed by the Constitution, and the Lieutenant Governor assumed the chair.

On motion of Mr. Wooster,

*Ordered*, That the Senate proceed to elect the additional members of the several standing committees.

Whereupon, on receiving and examining the ballots, the following gentlemen were found to be elected:

*On Finance*.—Messrs. Bartlett and Sabin.

*On the Judiciary*.—Messrs. Dillingham and French.

*On Claims*.—Messrs. Wheelock and Bottum.

*On Education*.—Messrs. Dana and Sheldon.

*On Agriculture*.—Messrs. Blodgett and Crawford.

*On Manufactures*.—Messrs. Gilson and Aikin.

*On Elections*.—Messrs. Eaton of Washington, and Barrett.

*On Military Affairs*.—Messrs. Stevens and Sowles.

*On Roads and Canals*.—Messrs. Russell and Stevens.

*On Banks*.—Messrs. Fletcher and Hatch.

*On Land Taxes*.—Messrs. Howe and Hemmenway.

A message from the House of Representatives, by Mr. Brown, Assistant Clerk:

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing a resolution to provide for the publication of a Legislative Directory, the Joint Rules, and the Rules of both Houses.

Mr. Dillingham called up the memorial of Moody Rich, and on his motion,

*Ordered*, That the same, and the certificates of votes for Senator, in Essex County, returned by the first constables and town clerks of the several towns in said county, together with the copy of the canvass of votes for Senator of said county, returned by the county clerk, be referred to the Committee on Elections.

Mr. Norton introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That both houses meet in joint assembly on Monday next, at 3 o'clock in the afternoon, for the purpose of electing the Judges of the Supreme Court for the year ensuing.

Which was read and adopted.

The Senate adjourned.

---

SATURDAY, OCT. 16, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

Mr. Wooster, from the Committee on Rules, reported the following as the rules of the Senate for the present session.

1. The credentials of Senators shall be presented to the Secretary or Assistant Secretary, previous to nine o'clock in the morning of the second Thursday of October, at which time the Senate shall be called to order. The names of the Senators shall be called over, and when a quorum shall have taken their seats, they shall, having first taken the necessary oath, on nomination of the President, appoint a canvassing committee, consisting of one Senator from each county, to join such committee as the House of Representatives may appoint, whose duty shall be to receive, sort, and count, the votes for Governor, Lieutenant Governor and Treasurer, and make report thereof to the joint assembly of both houses.

2. The Senate shall meet every day (Sundays excepted) at nine o'clock in the morning, and two o'clock in the afternoon, unless otherwise specially ordered.

3. The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, and all errors therein corrected.

4. In case no quorum shall assemble, within fifteen minutes after the time to which the Senate was adjourned, those present shall have power to send the Sergeant-at-Arms, or other officer, after the absentees, and compel their attendance.

5. Whenever the Senate shall assemble, according to adjournment, or at the commencement of a session, and the President shall be absent, it shall be the duty of the Secretary, if present, if not, of a Senator, to call to order; and the Senators present, if a quorum, shall, by ballot, elect a President pro tempore.

6. No Senator shall be absent without leave, unless he is sick, or otherwise necessarily detained.

7. No Senator shall audibly speak to another, or otherwise interrupt the business of the Senate, while the journals or other public papers are being read, or while a Senator is orderly speaking in debate.

8. Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished, shall sit down.

9. No member shall speak more than twice on the same question, without leave of the Senate; and Senators who have once spoken, shall not again be entitled to the floor, (except for the purpose of explanation,) to the exclusion of another who has not spoken.

10. In all cases, the Senator first arising and addressing the President, (subject to the restriction of rule 9,) shall be entitled to the floor, and when two or more arise at the same time, the President shall name the one who is to speak.

11. When a Senator shall be called to order, he shall sit down, and every question of order shall be decided by the President without debate, subject to an appeal to the Senate.

12. If a Senator be called to order for the words spoken, the exceptionable words shall be immediately taken down in writing by the Senator calling to order, that the President may be better enabled to judge of the matter.

13. The first hour of each morning's sitting may be devoted to the reception and disposal of petitions, memorials, remonstrances, motions, resolutions, and the introduction of bills; after which, the orders of the day, or other proper business, shall be announced, always commencing with the unfinished business of the last sitting. The first hour of the afternoon's sitting may be occupied in the receiving and disposing of reports

of committees, and in completing the business of the morning hour; at the expiration of which, the Senate will again take up the orders of the day.

14. Reports of committees may be signed by any member in behalf of the committee, and shall be by him presented to the Senate, when a call for reports is made. The signer of each report shall be held responsible for the accuracy of its statements and the propriety of its language, and when the same shall be under consideration, he shall be further liable to give additional statements of facts, or other explanations, in answer to the call of any Senator.

15. The proceedings of the Senate, except when acting as in Committee of the Whole, embracing the titles of bills, and such parts thereof as may be affected by proposed amendments, and also the names of Senators, and the votes which they give on every question decided by yeas and nays, shall be by the Secretary accurately and concisely inserted in the journals.

16. The Senate shall, annually, within the first four days of actual sitting, elect by ballot, (and a majority of all present shall be necessary to a choice,) a Secretary, and an Assistant Secretary, who shall be *ex officio* Engrossing Clerk, who shall be severally sworn to the faithful discharge of their duties, and shall hold said offices until superseded by a new election. The Senate shall also, within the same time, elect the following Standing Committees, to consist of three members each, to wit: On Finance,—on the Judiciary,—on Claims,—on Education,—on Agriculture,—on Manufactures,—on Elections,—on Rules,—on Military Affairs,—on Roads and Canals,—on Banks, and on Land Taxes.

17. In the appointment of standing committees, (except the one mentioned in rule 1,) the Senate will proceed by ballot, severally to appoint the chairman of each, and then, by one ballot, the other members necessary to complete the same. In the election of a chairman, a majority of the votes given shall be necessary, but for the others, a plurality shall be sufficient. All select committees shall be appointed by the President, unless otherwise ordered by the Senate.

18. All bills, after the second reading, and all petitions, memorials, remonstrances, resolutions, and other papers calling for legislative action, (except such as have been reported by a committee,) no objection being made, shall be referred by the President to appropriate committees.

19. Before any resolution, any petition, or other paper addressed to the Senate, shall be received and read, whether the same shall be introduced by the President or a Senator, the title shall be fairly endorsed thereon; and a brief statement of its object or contents shall be made by the introducer.

20. Every motion shall be reduced to writing by the mover, if required thereto by the President or a Senator, and a motion to lay another motion, the latter not being in writing, on the table, or otherwise to dispose of it, shall not be in order.

21. Every bill shall receive three readings before it is passed; the President shall give notice at each reading whether it be the first, second, or third; the last of which readings of public bills shall be at least twenty-four hours after the first reading, unless the Senate unanimously direct otherwise. *Provided*, That private bills shall be read the second time by their title. Resolutions requiring the approbation and signature of the Governor, shall be treated in all respects as bills.

22. On the demand of a Senator, public bills, after a second reading, shall be considered by the Senate as in committee of the whole.

23. The final question, upon the second reading of every bill which originated in the Senate, shall be, "Shall this bill be engrossed and read a third time?" No amendment shall be received at the third reading, but it may be committed for amendment at any time before its final passage.

24. Motions on bills and resolutions shall be sustained in the following order: 1. To postpone indefinitely. 2. To lay upon the table. 3. To commit. 4. To amend.

25. A call for the previous question shall not at any time be in order. A motion to adjourn shall always be in order, and shall be decided without debate.

26. If the question in debate contain several points, the same shall be divided on the demand of a Senator. A motion to strike out and insert shall not be divided, but the rejection of a motion to strike out and insert one proposition shall not preclude a motion to strike out and insert a different one, or a motion simply to strike out; nor shall the rejection of a motion simply to strike out, prevent a subsequent one to strike out and insert.

27. In filling blanks the largest sum and the longest time shall be first in order.

28. When the reading of a paper is called for, and the same is objected to by a Senator, the question shall be determined by a vote of the Senate.

29. The yeas and nays shall be taken, on the call of a Senator, and every Senator present shall vote, unless excused by the Senate; but no Senator shall be compelled to vote, who was absent when the question was stated by the President, nor shall any one be permitted to vote, who was absent when his name was called, nor after the decision of the question has been announced from the chair.

30. No Senator in the minority, nor one who did not vote on the decision of a question, shall have a right to move a reconsideration thereof; nor shall any motion for reconsideration be in order, unless made before the close of the next day of actual sitting of the Senate after that in which the vote was taken, and before the bill, resolution, report, amendment, address, or motion, upon which the vote was taken, shall, in the regular progress of business, have gone out of the possession of the Senate.

31. On all questions, in the decision of which a simple majority is required, when the Senate is equally divided, the Secretary shall take the casting vote of the President. In all such cases, a motion for reconsideration, if made in time, shall be in order from any Senator who voted on the question.

32. The President shall have the right to call upon any Senator to discharge the duties of the chair, when ever he shall find it necessary, temporarily, to retire; but such substitution shall not extend beyond more than one adjournment.

33. The Senate, having taken a final vote on any question, the same shall not again be in order during the same session, in any form whatever, except by way of reconsideration; and when a motion for reconsideration has been decided, that decision shall not be reconsidered.

34. No proposition to amend the rules of the Senate, or the joint rules of both houses, shall be acted on, until the same shall have been before the Senate at least twenty-four hours.

35. Messages shall be sent to the House of Representatives by the Secretary or Assistant Secretary.

36. Reporters may be placed on the floor of the Senate, under the direction of the Secretary, with the approbation of the President.

37. No persons shall be admitted within the lobby of the Senate chamber, except the Governor, Treasurer of the State, Auditor of Accounts, members of the other House, Judges of the Supreme Court, Senators and Representatives in Congress, Ex-Governors and Lieutenant Governors, Ex-Judges of the Supreme Court, Ex-Senators and Representatives in Congress, District Judge and Attorney of the United States, members of other State Legislatures, and such gentlemen and ladies as the President or a Senator may introduce.

38. When in session, the Senators shall sit with their heads uncovered.

39. Upon any disorderly conduct in the gallery, the President may order the same to be cleared.

40. Whenever a bill or resolution is laid on the table, by order of the Senate, and shall have remained on the table twenty-four hours, it shall be subject to be taken up by the chair, and presented for the consideration of the Senate, without a call or order on the subject.

41. There shall be one door-keeper and one assistant door-keeper of the Senate; and the President may employ a boy to attend in the Senate chamber.

Mr. Dana moved to amend the 37th rule, by inserting after the words "Ex-Senators and Representatives in Congress," the words "Ex-Senators of the State Senate."

Which amendment was adopted.

And the rules, as reported by the Committee and amended, were adopted.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House have passed a resolution providing for a joint assembly to elect a Secretary of State for the year ensuing, in which they request the concurrence of the Senate.

They also concur with the Senate in passing the resolution providing for a joint assembly to elect Judges of the Supreme Court for the year ensuing, with a proposal of amendment, in which they request the concurrence of the Senate.

Mr. Dillingham presented the petition of George E. Holmes and others, and of James Towle and others; and on his motion,

*Ordered*, That the same be referred to the Committee on Elections.

Mr. Sheldon introduced the following resolution:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of authorizing town clerks to take the acknowledgment of deeds.

Which resolution was read and adopted.

The Senate took up the resolution from the House of Representatives, providing for a joint assembly to elect a Secretary of State for the year ensuing,

And passed the same in concurrence.

Mr. Swift presented the petition of Henry H. Robinson, which was read, and referred to the Committee on Claims.

Mr. Dana introduced the following resolution :

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the 63d section of chapter 28 of the Revised Statutes, as to allow the plaintiff to file the affidavit therein contemplated, when he has reason to believe, and does believe, that the defendant has secreted, about his person or elsewhere, money or other property, although he may not believe that such defendant intends to abscond.

Which resolution was read and adopted.

Mr. Eaton of Franklin introduced the following resolution :

*Resolved*, by the Senate and House of Representatives, That a joint committee, consisting of three members of the Senate and three members of the House of Representatives, be appointed by their respective houses, to report joint rules.

Which resolution was read and adopted.

The President appointed Messrs. Eaton of Franklin, Wooster, and Dillingham, as such committee, on the part of the Senate.

The Senate took up the amendment of the House of Representatives to the resolution of the Senate providing for a joint assembly to confirm county nominations,

And refused to concur in the said amendment.

Mr. Dana presented the petition of the Vermont Academy of Medicine, which, on his motion, was referred, without reading, to the Committee on Education.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House insist on their amendments to the resolution providing for county conventions and a joint assembly to confirm the nominations of county officers.

The Senate took up the said amendments, and

*Resolved*, To recede from their disagreement therein, and to concur in the same.

On motion of Mr. Dana,

The Senate adjourned.

#### AFTERNOON.

(S. 1.) Mr Eaton of Franklin, from the Committee on Education, to whom was referred the memorial of the Vermont Academy of Medicine, reported a bill entitled "an act altering the name of the Vermont Academy of Medicine ;"

Which was read the first and second times, and

*Ordered*, To be engrossed and read the third time.

Mr. Hatch introduced the following resolution :

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a law to provide for the election of the Chaplain of the State Prison by a joint assembly of both houses.

Which resolution was adopted.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House confers with the Senate in passing a resolution for a joint committee to report rules for the Joint Assembly, and on their part have appointed a committee.

The President announced the appointment of Messrs. Wheelock and Aiken as the Committee on Bills, on the part of the Senate.

The Senate adjourned.

MONDAY, OCT. 18, 1841.

Prayer by the Chaplain.

The journal of Saturday was read.

Mr. Wooster introduced the following resolution:

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of so modifying the militia laws of the State, that the expenses resulting from their operation may be reduced.

Which was read and adopted.

Mr. Dana introduced the following resolution:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending that part of chapter first of the Revised Statutes, which relates to the election of Representatives to Congress, as to change the time or manner of electing Representatives to the next Congress.

Which resolution was read and passed.

The following communication was received from his Excellency the Governor:

*To the Senate:*

I have the honor to inform you that I have taken the oaths prescribed by the Constitution, and entered upon the duties of Governor of the State for the ensuing year. I have, also, appointed Mr. Henry Hale, of Chelsea, Secretary of Civil and Military Affairs; and propose to make the annual executive communication to the Legislature at 11 o'clock this morning.

CHARLES PAINE.

EXECUTIVE CHAMBER, Oct. 18, 1841.

Mr. Hatch introduced the following resolution:

*Resolved*, That the Committee on Agriculture be instructed to inquire into the expediency of appropriating the sum of three thousand dollars, yearly, for the promotion of agriculture: to be taken from that portion of the proceeds of the sales of the public lands which this State shall receive, by virtue of an act of Congress entitled "an act to appropriate the

proceeds of the sales of the public lands, and to grant preemption rights," approved Sept. 1st, 1841: the said sum of three thousand dollars to be divided between the several counties in this State, as nearly as practicable, according to the population of each; *provided*, there shall be organized in said counties, within a given time, a society for the promotion of agriculture: the money appropriated to be awarded in premiums, by said societies, on the best cattle, horses, sheep, and swine; on the best products of the dairy; the best wool, and the best household manufactures of wool and flax; the best crops of grain; the best farming utensils, and the best cultivated farms: and that the Committee report by bill or otherwise.

Which resolution was read and adopted.

Mr. Palmer introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That both houses meet in joint assembly on Monday next, at three o'clock, P. M., for the purpose of electing an Auditor of Accounts against the State.

Which resolution was read and adopted.

Mr. Shelden introduced the following resolution:

*Resolved*, That the Committee on Agriculture be instructed to inquire into the expediency of passing a law providing for a geological survey of the State.

Mr. Clark moved to amend the said resolution by striking out the word "Agriculture," and inserting the word "Education."

Which amendment was rejected, and the original resolution adopted.

Mr. Blodgett introduced the following resolution:

*Resolved*, That the Secretary of State be requested to inform the Senate whether a certified copy of the last census of this State has been received by him, and is now in his possession.

Which resolution was read and adopted.

Mr. Wooster introduced the following resolution:

*Resolved*, That the Committee on Finance be instructed to inquire into the expediency of passing a law by which wood and timber lands shall be embraced in the grand list at their real value, the same as other lands.

Which resolution was read and adopted.

Mr. Russell introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That both houses meet in joint assembly on Friday next, at 3 o'clock, P. M., for the purpose of electing a Reporter of the decisions of the Supreme Court.

Mr. Norton moved to amend the same by adding the words "and the Commissioners of the Deaf, Dumb, and Blind."

Which amendment was adopted; and the resolution, as amended, passed.

(S. 1.) Mr. Dana called for the third reading of the bill entitled "an act altering the name of the Vermont Academy of Medicine."

And it was read the third time and passed.

Mr. Blodgett introduced the following resolution:

*Resolved*, That the Committee on Elections be instructed to inquire and report, as soon as may be, whether any persons holding seats in this Senate are also holding any offices of trust or profit under the authority of Congress.

Which resolution was read and passed.



A message from his Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by his Excellency the Governor to communicate to the Senate his annual message to the Legislature.

The said message was thereupon read, and is as follows:

*Fellow Citizens of the Senate and House of Representatives:*

The people of this state have reposed in our hands for the ensuing year the powers of legislation and government; and the first and most gratifying duty we have to perform in their name, and as their representatives, is to acknowledge the continued favors of Providence. The earth has yielded its annual increase, health, happiness and prosperity smile upon our land, we still enjoy the blessings of a free government, and peace is as yet within our borders. So far as regards the present condition of our state, at no period have we been called upon for a more unfeigned expression of gratitude to the Giver of all good.

The legislative provisions which you will be called upon to make for the people of this state, will be, like their wants, few and simple. The wisdom of your predecessors will furnish you with the safest guide, and it has probably left few alterations to be devised in our domestic policy. Still it is your duty diligently to consider any improvement which may be suggested, and to leave nothing undone, which may promote the general welfare.

Education is a subject which cannot fail to command your earnest attention. It is true that no community can boast of more widely and universally diffused instruction than ours, and it might therefore appear useless to urge this topic upon your consideration. But we must continually bear in mind that it is not the result of accident that the people of this state, with so few exceptions, can all read and write, and have enjoyed the benefit of at least a good English education. They owe their happy and enviable condition, in this respect, entirely to the unceasing solicitude and wise legislation of our forefathers. While our state was yet almost a wilderness, those who themselves most felt the want of education, were most careful that their children should not grow up in ignorance, and the efforts they made to establish and support common schools and seminaries for the higher branches of learning, must forever command our gratitude and admiration. Common schools have always been within the immediate reach of every child in the state, and it has been the honorable ambition of every parent to deny his children no necessary opportunity for attending them. Nor has this been the limit of their ambition. Many a generous father, while following the plough himself, has sent his children from home, that they might, by having better means of education, qualify themselves for more extensive usefulness.

It is true that all this could not be accomplished by legislation alone. But wise and wholesome laws have laid the foundation of this, as they have of all other useful social institutions.

If legislation presents the means and points to the benefits of education, there is no reason to apprehend that they will not be gladly accepted. The example and encouragement, which it is in our power to afford, are all that is necessary not only to support and preserve our present system, but greatly to extend and improve it. If our fathers have bestowed on us a better education than they had the means of enjoying, shall we fall behind them in benevolent efforts? Let us rather emulate their example, and make our endeavors surpass our abilities as they did.

While, then, I would recommend to you that scrutiny and vigilance respecting our common school system, which are so constantly necessary, and a pecuniary provision as liberal as they have annually received,—I would commend to your favorable regard, our higher seminaries of learning. These are the nurseries of our professional men, and they consequently exert as great an influence on society as our common schools. If it is important that our farmers and mechanics should be well qualified for usefulness and respectability in their callings, it is equally essential that our clergymen, our statesmen, our physicians and our school masters should be so in theirs.

It is hard, too, that the poor as well as the rich should not be able to reach and drink at the higher fountains of knowledge, and to no object can the bounty of the legislature be more properly directed, than to placing the higher branches of learning within the reach of those who have not themselves the means of obtaining them without some assistance.

I would not wish to be understood in these remarks, as intending to recommend any undue profusion in the expenditure of public money. On the contrary, I should be the last to advise or consent to such a course of legislation. It is my duty to direct your attention to measures of public interest, but you are the proper judges of the fitness, expediency, and practicability of those measures. Economy, not less than intellectual cultivation, is essential to a well regulated community; and it would ill become us, while endeavoring to improve our fellow men by education, to corrupt them by an example of extravagance.

Nothing in my opinion will more conduce to the advancement of the wealth and prosperity of our people, than a geological survey of the state. The time has arrived when our interests seem imperatively to require that such a survey should no longer be postponed. The earth has been sufficiently cleared of its forests to admit of the necessary examination, and the expense attending it, will be trifling, compared with the benefits to be expected from it. Similar surveys have already been made in many of the states, which have opened new and highly productive sources of wealth. Very encouraging indications have already been discovered of the existence of valuable ores and minerals in different parts of the state. Agriculture will derive great advantages from the light which science cannot fail to throw upon the native character and varieties of our soil. Should useful ores be discovered, it will open a new field for industry, and by increasing the number of consumers of agricultural products, add a new impulse to the enterprise of the farmer. Should you agree with me as to the expediency of providing for such an undertaking, I would suggest that it should embrace an examination into the botany of the state. The success of the enterprise must of course depend, in a great measure, upon the qualifications of those who may be selected to carry it into execution.

Under the census of 1840 a new apportionment of the members of the House of Representatives of the Congress of the United States must necessarily be made. It will therefore become your duty, either to direct the election, by general ticket, at the annual freemen's meeting in 1842, of as many members as may, under such apportionment, be assigned to Vermont, or to postpone the election to a day beyond the next session of the legislature, thereby giving to that body the opportunity to make the necessary provisions on the subject.

Communications have been received by the Executive, from the consti-

tuted authorities of Her Majesty's Province of Canada, relating to the recent outrage upon our northern frontier, in the forcible seizure, and abduction beyond the limits thereof, of a citizen of this State. I shall take an early opportunity, by special message, to lay these documents before you.

Congress, during the last session, among other measures for the benefit and relief of the country, provided for the distribution of the proceeds of the public lands among the states. Vermont will be annually entitled, under this law, to a large sum of money, and it will be necessary that you should make provision for its receipt and safe disposal. How it shall be ultimately applied, so as to afford the greatest benefit to our constituents, will be a matter of grave deliberation after it shall have been received.

Vermont has not followed the example of many of her sister states in embarking in expensive works of internal improvements. Recent events have abundantly proved the wisdom and prudence of this course.—Vast benefits to the community are doubtless to be derived from such undertakings. They are perverted, very clearly, when they end in a prostration of public credit. When there is any uncertainty as to the adequacy of income to be derived from them, they should be engaged in with the greatest caution. Still their advantages should never be lost sight of. They are especially important to a country situated like ours, remote from market, and where the nature of our produce does not admit of expensive transportation. In proportion, too, as other parts of the country enjoy greater facilities of communication with the markets on the sea-board, is the value of our lands and of their produce diminished. It is not to be feared that the vigilant sagacity of our people will overlook considerations like these; and at no distant period we may expect that public attention will be actively directed towards a subject of so much interest.—When the enterprize of other states shall have brought, as they soon will bring, their rail-roads to our borders, the means, I am satisfied, will not be wanting, of continuing them through our own state. Foreign and domestic capital, and individual enterprize, will unite to accomplish the object, and the state, by husbanding its resources with reference to such an event, may undoubtedly hasten its arrival.

There are other subjects of legislation, which are not less interesting and important to the inhabitants of this state, but over which you can have no immediate control. I refer to those powers which have been delegated to the government of the Union, for national purposes, and to be exercised for the general benefit. But although thus delegated, they ought not to be lost sight of by the legislatures of the states. On the contrary, so vastly important is their exercise to our prosperity, that it is our imperative duty to satisfy ourselves that they are not permitted to lie dormant in the hands of those to whom they are delegated, and that they are exercised in such a manner as will promote the public welfare. This duty is the more incumbent on us, because it is also our right, if it should appear that the powers of the general government have been insufficiently or unwisely granted, to apply a remedy by uniting with the other states in an amendment of the federal constitution.

The exercise of none of these powers is of such vital importance to the agricultural interest of this state, as that which enables Congress to afford protection to domestic industry, by imposing duties on the importations of foreign products.

An entire prostration and stagnation of business, arising principally

from the absence of any effective protection to domestic industry, while the states remained separate, led, more immediately than any other cause, to their union. To remedy the evil, steps were taken, at the earliest period after the adoption of the Federal Constitution, to establish a discriminative system of revenue from duties on imports; and the country, under its operation, emerged, with unexampled rapidity, from embarrassment to wealth, power and national greatness. For more than thirty years, the constitutional power of Congress to impose duties for the purpose of protection, remained unquestioned. Every successive Congress exercised the power without the suggestion of a doubt as to its constitutionality; and if the constitution itself had not been, as it is, perfectly clear on the subject, yet time, usage, constant legislation, and universal acquiescence, have fully established its possession by the general government. After all this, however, after a generation had passed away, and when the pursuits and business of the country had been built up, upon the basis of protection, it suited sectional and party purposes to object to it on the ground that it was unconstitutional; and, strange and unjust as it may seem, a long established system of laws, designed to encourage and protect domestic industry, has been, for the present, at least, abandoned—not because the people of the country so willed it, but because a single southern state, denying the constitutionality of such legislation, threatened violently to resist the execution of these laws. And this has been termed a compromise;—a compromise which yields all that is demanded to violence and a breach of faith, and quietly consents to the ruin of a vast portion of the country for the exclusive benefit of a comparatively small section.

It is needless to say much of the causes which have thus led to a discontinuance of protection to domestic industry. A remedy for such an evil can be found only in the intelligence and spirit of that portion of our countrymen, to whose existence such protection will be found to be almost indispensable. I am not aware that you, as legislators of this state, can directly participate in applying a remedy; but you can at least urge upon our delegation in Congress your deep and abiding conviction of the strong necessity of shielding, by an adequate tariff, the domestic industry of the country, against competition with the pauper labor and solid capitalists of Europe.

If the constitution of the United States does not already authorize Congress to afford such necessary protection to domestic industry, language would fail to accomplish the object, and any amendment of the constitution would be fruitless. The states have surrendered to the General Government all power over the subject. When they gave to Congress exclusively the power to lay duties, they deprived themselves forever of all power to protect domestic industry. They surrendered this power to Congress, to the extent to which they possessed it themselves, and for the same purposes, for which they themselves might have used it, not only for the purpose of revenue, but of protecting the industry of the citizens against ruinous foreign competition. If Congress do not possess this power, then the states themselves possess it;—for the states have retained all power which they have not granted to the government of the Union. But nothing would be more absurd than a construction of the Constitution which would thus distribute the power of laying duties, giving it to Congress for purposes of revenue, and to the states for the purpose of protection.

It would be superfluous to attempt to show that a protective tariff is essential to the prosperity of this portion of the Union. The value of our agricultural products, and especially of wool, depends entirely upon the success of our manufactories, and every farmer in Vermont is deeply interested in saving them from the ruin which, it is feared, is impending over them. We cannot raise wool for exportation, and if we abandon wool-growing, what are we to do with any other kind of produce which we may raise in its place? Wool will not be received in foreign countries which have supplies of their own, and who in our own country will consume it, when manufactories shall have been destroyed, and manufacturers, who have been its consumers, are compelled to cultivate the soil as their only mode of subsistence? What would our farms or our produce be worth, if those now engaged at the loom should come back to the plough? We could hardly give away the contents of our overburdened granaries. Manufactures are yet in their infancy, and although during the short period of their existence, they have acquired strength with unexampled rapidity, they cannot be supposed to be stronger than those in older countries, where they have been much longer established, and where labor is cheapest. Yet in all countries, protection has always been found to be necessary to their existence; and no government on earth has ever been so blind to its own interests and those of its citizens, as to permit free trade with other countries, in articles of its own manufacture. There are two very sufficient and obvious reasons for this. One is, that a free or reciprocal trade among different nations never has been, and probably never can be, established. The other is, that to allow one country, whenever it might choose, to inundate another with its surplus manufactures, reduced in value at home by excessive production or bankruptcies, would be to ruin those engaged in the same business in the importing country. Steadiness is the safety and fluctuation the destruction of trade.

England, with a modesty peculiar to herself, proclaims and advocates the doctrines of free trade, for the benefit of other nations, while for her own benefit she practices upon a directly opposite system. In thus advocating free trade she is seconded by the Southern planter. But neither from the one nor the other can we consent to receive instruction. They have their interests, and we have ours. We have also the capacity to understand, and, I trust, the resolution to maintain our rights.

The attention of the people of the whole Union has been directed, by events which have occurred within the last few years, to certain amendments which are deemed essential in the Federal Constitution. The undue stimulus to ambition which is thought to be supplied by the prospect of the Presidential office being enjoyed by its occupant for a second term of four years, has created great alarm for the balance of the powers of the General Government. Experience has certainly proved, that if there is any danger of that balance being destroyed, it arises from the constant efforts of the Executive department to extend its patronage and power. That such efforts have frequently been made, to enable the President to secure a re-election, can hardly be doubted; and it is to be feared that they will continue to be too often made, so long as human nature remains unchanged.

A general complaint, arising from the same well grounded apprehension, exists as to the President's power of removal from office. The constitution directly gives him no such power, but he has been allowed to take it by

implication. It is difficult to imagine how it should ever have been derived from that provision in the constitution which authorizes him to nominate "and by and with the advice and consent of the Senate, to appoint" all officers.

The President and Senate are jointly made the appointing power, and, in the absence of all other provisions on the subject, one would have supposed they must also be jointly the removing power. But the President claims to exercise it alone, and more frequently exercises it without any cause, except for the political opinions of those removed, than from an impartial regard to the faithful performance of the public service, which forms the sole argument in favor of its existence. For if the Constitution designed to give such a power to the President, it must have been for the purpose of enabling him to make removals required by the public good. But it has been perverted to a totally different purpose; that of enabling him to reward his supporters, strengthen his influence, and secure his own re-election.

Another similar subject, to which I would invite your particular attention, is the power of the President to veto bills which have been passed by both Houses of Congress. This is the only monarchical feature in our form of government, and it is difficult to understand how it should ever have been engrafted upon republican institutions. It was probably taken without much reflection as to its consequences, from the British constitution, which vests a similar power in the king; but only to protect his own prerogative from encroachment. Even for this purpose, however, it has not been exercised by him for more than two centuries. The early settlers of Vermont were too jealous of liberty to allow such a power any place in our constitution.

To form a just notion of the magnitude of the veto power, as it may be exercised by the President, we must keep constantly in view, that to prevent the passage of wholesome and necessary laws, is as bad as to pass those which are mischievous. The power to make all laws, might be as properly entrusted to the President, as the power to prevent all laws. The history of all legislation proves that a majority of two thirds can seldom be obtained on disputed questions; and to allow the President to resist the enactment of such laws as he pleases, unless passed by so large a majority, is, in effect, to repose in one man almost the entire power of legislation. But the President not only claims the right to exercise the veto power whenever he pleases, but to exercise it as he understands the constitution, without any regard to the decisions of the Supreme Court, or to the precedents established by his predecessors. He appears to be uncontrolled in its exercise, either by law or precedent, and to have nothing to consult but his own conscience, and nothing to regard but his own character for consistency.

If he is right, we may bid farewell to all stability in our institutions. Every four years the laws of the country may be changed, and its business embarrassed and destroyed by the constitutional scruples of a new President. The tariff,—the bank,—the distribution of the revenue from the public lands,—internal improvement,—all the great measures for the welfare of the country, will be constitutional or unconstitutional, just as the President may happen to be selected from one part of the Union or the other.

I submit to your consideration whether it is not expedient to propose an amendment of the constitution, which shall render the President ineli-

gible to a re-election, and which shall modify his powers of removal from office, and of preventing the passage of laws by Congress.

For myself, I confess that I cannot doubt that, if such amendment should be adopted by the requisite number of states, it would greatly contribute to perpetuate our free government.

I have thus expressed my views on these important subjects, freely and frankly. They are, however, opinions on matters of opinion, on which we are all at liberty to differ. The discussions of a deliberative assembly are likely to lead to more just conclusions than the reflections of an individual, unaided by the reasonings of others; and I shall rather yield to your judgment, than wish you to be governed by mine.

Grateful for the manifestation of your confidence and regard, which has summoned me from the business of private life to a station so conspicuous as that to which I have just been called, I commend all your deliberations to that Omniscient Power, whose purpose we have fondly hoped it might be, to build up institutions in this country, which would be favorable to human liberty and the improvement of mankind.

CHARLES PAINE.

Montpelier, October 18, 1841.

Mr. Sowles introduced the following resolution:

*Resolved*, That the Secretary of the Senate be instructed to procure to be printed, for the use of the Senate, three hundred copies of his Excellency's message.

Which was read and adopted.

Mr. Bartlett introduced the following resolution:

*Resolved*, That so much of the Governor's message as relates to a geological survey of the State, be referred to the Committee on Agriculture.

Which was read and adopted.

On motion of Mr. Sowles,  
The Senate adjourned.

#### AFTERNOON.

Mr. Bottum introduced the following resolution:

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of fixing, by law, the fees of officers and jurors attending freehold courts.

Which resolution was read and passed.

Mr. Clark introduced the following resolution:

*Resolved*, That so much of his Excellency's message as relates to education, be referred to the Committee on Education; that so much as relates to the election of Representatives to represent this State in Congress, be referred to the Committee on the Judiciary; that so much as relates to the avails of public lands, be referred to the Committee on Finance; and that so much as relates to a protective tariff, be referred to the Committee on Agriculture.

Which resolution was read and adopted.

Mr. Norton introduced the following resolution:

*Resolved*, That so much of the Governor's message as relates to amending the Constitution of the United States, be referred to a select committee of five.

Which resolution was read and adopted.

The Chair appointed Messrs. Norton, Dillingham, Bartlett, Wooster, and French, as such committee.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House have passed a resolution for a joint assembly to elect an Auditor in the Treasury Department, in which they request the concurrence of the Senate.

The Senate took up the said resolution, and passed the same in concurrence.

Mr. Swift introduced the following resolution:

*Resolved*, That the Committee on the Judiciary be instructed to inquire whether it is not expedient to devise some more expeditious way of choosing town officers by ballot, in the large towns, than the present mode.

Which was read and adopted.

A message from the House of Representatives, by Mr. Merrill, their Clerk;

MR. PRESIDENT:—The House have, on their part, adopted the joint rules reported by the joint committee of the two houses.

Mr. Eaton of Franklin, from the joint committee appointed to report joint rules, reported the rules of the last session.

Which were adopted by the Senate.

On motion of Mr. Palmer,  
The Senate adjourned.

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TUESDAY, OCT. 19, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

Mr. Hatch introduced the following resolution:

*Resolved*, That the Committee on Agriculture, to whom was referred the resolution inquiring into the expediency of taking a geological survey of this State, be required to make an estimate of the amount of expenditure that would be incurred in making such survey, and report the same to the Senate.

Which was read and adopted.

Mr. Shelden introduced the following resolution:

*Resolved*, That the Committee on Education be instructed to inquire



into the expediency of passing a law for the appointment of a committee to examine school teachers, in each town, at its annual March meeting; and, also, of withholding from every school district which does not employ a teacher approved by said examining committee, the public school money which would otherwise belong to it.

Which was read and adopted.

(S. 2.) Mr. Wooster introduced a bill entitled "an act to prevent usury;" Which was read the first and second time, and referred to the Committee on the Judiciary.

Mr. Bartlett presented the petition of "the Prudential Committee of the Trustees of Caledonia County Grammar School;"

Which was received, and referred to the Committee on Education.

Mr. Dana introduced the following resolution:

*Resolved*, That the Committee on Education be instructed to inquire into the expediency of authorizing, by law, two or more school districts in any town, to unite, for the purpose of forming a central school for more advanced scholars.

Which resolution was read and passed.

On motion of Mr. Dillingham,  
The Senate adjourned.

#### AFTERNOON.

Mr. Wooster, from the Committee on the Judiciary, to whom was referred the resolution of Mr. Sheldon, directing the said Committee to inquire into the expediency of passing a law authorizing town clerks to take acknowledgments of deeds, reported that, in the opinion of the Committee, no legislation was necessary or expedient on the subject.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House concurs with the Senate in passing a resolution for a joint assembly to elect an Auditor of Accounts against the State.

They have also passed a resolution for a joint assembly to elect a Brigadier General of the 24<sup>th</sup> Brigade, 1st Division; and have passed a bill (H. 8) entitled "an act in alteration of the 32d chapter of the Revised Statutes," in which they request the concurrence of the Senate.

The Senate took up the resolution for a joint assembly to elect a Brigadier General, and passed the same in concurrence.

The Senate took up the bill from the House of Representatives (H. 8) entitled "an act in alteration of the 32d chapter of the Revised Statutes," and it was read twice, and referred, on motion of Mr. Dana, to the Senator from Grand Isle.

Mr. Blodgett introduced the following resolution:

*Resolved*, That the Secretary of State be directed to take immediate and efficient measures to procure from the Clerk of the United States Court, for the District of Vermont, a certified copy of the late census of this state, to wit, the census of 1840.

Which resolution was read and passed.

Mr. Dana introduced the following resolution:

*Resolved*, That the Committee on Roads and Canals be instructed to inquire into the expediency of providing by law for the survey of a rail road from the east to the west line of the state, through the counties of Rutland and Windsor, and of appropriating such portion of the money to be received from the sales of the public lands as may be necessary to pay the expenses of such survey.

Which was read and adopted.

Mr. Wooster, from the Judiciary Committee, to whom was referred the resolution relating to the choice of Representatives to the General Assembly, reported a bill (S. 3.) entitled "an act regulating the choice of Representatives to the General Assembly."

The Senate, as in Committee of the Whole, took up the said bill, and having made progress therein, reported the same with an amendment, and the bill,

On motion of Mr. Dillingham,

Was recommitted.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT: I am directed to communicate a message from His Excellency the Governor.

The said message is as follows:

*To the Senate:*

I have the honor to inform the Senate that I have transmitted to the House of Representatives the reports of the Auditor in the Treasury Department, of the Bank Commissioner, of the Auditor of Accounts against the State, of the Bank Committee, of the Treasurer on the Safety Fund, of the Superintendent of the State Prison, of the Auditor of the School Fund, and of the Adjutant and Inspector General, for the use of the General Assembly.

CHARLES PAINE.

Executive Chamber, }  
Oct. 19, 1841. }

Mr. Dillingham, from the Committee on the Judiciary, to whom was referred the resolution relating to altering the mode of choosing town officers, reported that the committee could devise no beneficial alteration of the laws, in respect to the subject matter of the resolution.

The Senate adjourned.

WEDNESDAY, Oct. 20, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

Mr. Bottum introduced the following resolution :

*Resolved*, That the Committee on Finance be directed to inquire into the expediency of authorizing, by law, the Treasurer to pay off the State debt out of moneys belonging to the State school fund.

Which was read and adopted.

(S. 4.) Mr. Sheldon introduced a bill entitled "an act in addition to chapter 60, title 14 of the Revised Statutes ;"

Which was read twice, and,

On his motion,

Referred to a select Committee of three.

Mr. Sabin presented the memorial of E. D. Putnam and others, and,

On his motion,

The same was referred, without reading, to a select Committee of three Senators.

(S. 5.) Mr. Bartlett introduced a bill entitled "an act to repeal part of an act therein named,"

Which was read twice, and,

On his motion,

Referred to the committee on Military Affairs.

Mr. Dillingham, from the Committee on the Judiciary, to whom was referred so much of His Excellency's message as relates to the election of Representatives to Congress, reported a bill (S. 6,) entitled "an act relating to the election of Representatives to Congress;"

Which was read twice, and,

On motion of Mr. Eaton of Franklin,

The same was laid on the table.

Mr. Clark, from the Committee on Claims, to whom was referred the petition of Henry H. Robinson, reported against granting the prayer of the petitioner, and recommended that the petitioner have leave to withdraw his petition ;

Which was accordingly granted.

Mr. Crawford introduced a bill, (S. 7.) entitled "an act defining the duty of Sheriffs and Jailers,"

Which was read twice, and referred to the committee on the Judiciary.

On motion of Mr. Wooster,

The Senate adjourned.

## AFTERNOON.

(S. 4.) The President announced the appointment of Senators Sheldon, Eaton of W. and Bottum, as the select committee on the bill entitled "an act in addition to Chapter 60, Title 14, of the Revised Statutes," and of Messrs. Sabin, Clark and Dillingham, on the petition of E. D. Putnam and others.

Mr. Bartlett introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, that the Governor of this State be requested to appoint some suitable person to investigate the facts, and ascertain whether this State has a just claim upon the government of the United States for expenses incurred during the revolutionary war; and if, in the opinion of the Governor, the interests of the State require it, to present such claim to Congress.

Which was read and passed.

Mr. Bottum introduced the following resolution:

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of authorising, by law, the treasurer to dispose of all the property and proceeds of the old State Bank."

Which was read and adopted.

(S. 8.) Mr. Dana introduced a bill entitled "an act to provide for the union of school districts."

And it was read the first and second times, and, on motion, laid upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT: The House have passed a joint resolution providing for a joint assembly of the two houses to enquire into the condition of the State Library, in which they ask the concurrence of the Senate; and they have, on their part, appointed a committee.

(S. 1.) They also concur with the Senate in passing the bill entitled "an act altering the name of the Vermont Academy of Medicine."

(S. 3.) Mr. Wooster, from the committee on the Judiciary, to whom was recommitted the bill amended by the Senate, entitled "an act regulating the choice of representatives to the General Assembly," reported the same, as amended, and it was

*Ordered* to be engrossed and read the third time to-morrow morning.

(H. 3.) The Senator from Grand Isle, to whom was referred the engrossed bill from the House of Representatives, entitled "an act in alteration of the 32d chapter of the Revised Statutes," reported the same, without amendment, and it was read the third time and passed, in concurrence.

(S. 10.) Mr. Dillingham, from the committee to whom was referred the resolution relative to the election of chaplain in the state prison, reported

a bill entitled "an act in alteration of chapter 104 of the Revised Statutes," which was read the first and second times, and ordered to be laid upon the table.

(S. 9.) Mr. French, from the committee on the Judiciary, to whom was referred the resolution relating to the fees of officers and jurors attending freehold courts, reported a bill entitled "an act in addition to the 41st chapter of the Revised Statutes," which was read the first and second times, and

*Ordered* to be laid upon the table.

A message from his Excellency, the Governor, by Mr. Hale, the Secretary of Civil and Military Affairs:

MR. PRESIDENT: I am directed by his Excellency, the Governor, to communicate a message to the Senate.

The message is as follows:

EXECUTIVE CHAMBER, Oct. 20, 1841.

*To the Senate:*

I herewith transmit to you certain resolutions, and other proceedings, of the General Assemblies of the States of Indiana, New-York, Delaware, New-Hampshire, Massachusetts, Rhode Island, Maine, Alabama, Kentucky, and Virginia; together with a petition from the New-York Historical Society.

I take this occasion, also, to inform the Senate, that I have communicated to the House of Representatives a letter from my predecessor, communicating to me copies of a correspondence between him and the Acting Governor of Canada, together with certain depositions, and other testimony, relating to the recent seizure and abduction of James W. Groghan from the town of Alburgh.

CHARLES PAINE.

(S. 7.) Mr. Wooster, from the committee on the Judiciary, to whom was referred the bill entitled "an act defining the duty of sheriffs and jailors," reported the opinion of the committee to be adverse to any legislative action on the 1st section of the same, and not adverse to legislation on the 2d section.

On motion of Mr. Clark, the said bill was laid upon the table.

Mr. Sowles introduced the following resolution:

*Resolved*, That so much of his Excellency's special message as relates to the abduction of James W. Groghan, from the town of Alburgh, be referred to a select committee of three senators.

Which was read and passed.

A resolution from the House of Representatives, as follows:

*Resolved*, by the Senate and House of Representatives, That a select committee of three, on the part of each House, be appointed by the two Houses, to examine into, and report, the condition of the state library;

Was read and passed in concurrence, and the President announced the appointment of Messrs. Blodgett, Barrett and Sowles as such committee on the part of the Senate.

The Senate took into consideration the documents accompanying the Governor's Message, and they were read, and severally referred, as follows:

The resolutions of the General Assembly of the state of Delaware, on the subject of the public lands, to the committee on Finance.

The resolutions of the state of Indiana, on the same subject, to the same committee.

The several resolutions of the states of Massachusetts, Pennsylvania, and New-York, on the same subject, to the same committee.

The several resolutions of the states of Indiana, Delaware, Kentucky, Maine, and Massachusetts, on the subject of alterations of the constitution of the United States, to the select committee to whom was referred so much of his Excellency's message as relates to that subject.

The resolutions of the state of Virginia relative to the demand by the Executive of Virginia upon the Executive of the state of New-York, for the surrender of three fugitives from justice, to a select committee of three senators.

The resolutions of the state of New-Hampshire, on the same, and other subjects, to the same committee.

The resolutions of the State of Alabama, on the subject of the refusal of the Executive of Maine to surrender certain persons to the Executive of the state of Georgia, to the same committee.

The resolutions of the state of Alabama, on the subject of the tariff, to the committee on agriculture.

The resolutions of the state of Rhode Island, on the subject of the public lands, the sub-treasury and a national bank, to the committee on Banks.

The resolutions of the state of Indiana, on the subject of fixing a day for the choice of electors of President and Vice President throughout the Union, to a select committee of three senators.

The memorial of the New-York Historical Society, to the committee on Education.

The Senate adjourned.

THURSDAY, Oct. 21, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

The chair announced the following committees:

On the resolution relating to the abduction of James W. Groghan, Messrs. Sowles, Eaton of Franklin and Sheldon.

On the resolutions from the state of Virginia, relative to the controversy between Virginia and New-York, Messrs. Bartlett, Bottum and Swift.

On the resolutions from the State of Indiana, relative to establishing a uniform day throughout the Union for choosing electors of President and Vice President, Messrs. Russell, Gilson and Fletcher.

Mr. Eaton of Franklin, moved to reconsider the vote referring the resolutions from the state of New-Hampshire to the committee raised on the resolutions from Virginia, and to refer so much of the said resolutions from New-Hampshire as relates to the north eastern boundary question, to the select committee to whom was referred the resolution relative to the abduction of James W. Groghan.

Which motion prevailed.

Mr. Eaton of Washington presented the petition of Norris Day and others, and the memorial of the Ferrisburgh quarterly meeting, and on his motion, the same was referred to a select committee of three senators.

The Chair appointed Messrs. Eaton of Washington, Wooster and Fisk as such committee.

(S. 3.) Mr. Wooster called for the third reading of the bill entitled "an act to regulate the choice of representatives to the General Assembly," and on the question, Shall the bill be read the third time?

The yeas and nays having been demanded by Mr. Crawford, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Barrett, Blodgett, Bottum, Chipman, Crawford, Dana, Dean, Dillingham, Eaton of Franklin, Fisk, Fletcher, French, Gilson, Howe, Norton, Palmer, Russell, Sabin, Sowles, Swift, Wheelock, Wooster—22.

Those Senators who voted in the negative, are:

Messrs. Aiken, Bartlett, Clark, Eaton of Washington, Hatch, Hemenway, Sheldon, Stevens—8.

So the question was decided in the affirmative.

And the bill was read the third time and passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT,—The House have passed a bill (H. 25,) entitled "an act to pay Abel Drury the sum therein mentioned," in which they request the concurrence of the Senate.

The said bill was referred to the committee on Claims.

(S. 9.) The Senate as in committee of the whole took up the bill entitled "an act to provide for the union of school districts," and having made progress therein, reported the same to the Senate, with an amendment, which was adopted by the Senate, and is as follows: after the word "town" in the 5th section insert the following words, "or towns in which such districts so uniting are situated."

And the bill, as amended, was ordered to be engrossed, and read the third time.

(S. 7.) The Senate took up the bill entitled "an act defining the duties of sheriffs and jailors," and on motion of Mr. Palmer, the same was indefinitely postponed.

On motion of Mr. Sheldon,  
The Senate adjourned.

## AFTERNOON.

Mr. Norton, from the committee on Finance, to whom was referred the resolution relating to the taxing of wood and timber lands, reported that, in the opinion of the committee, no legislation is necessary thereon.

Mr. Norton, from the same committee, made a like report, in regard to the resolutions of the legislatures of the several states relating to the distribution of the proceeds of the sales of the public lands, which had been referred to them.

Which reports were severally adopted.

(S. 10.) Mr. Clark called up the bill entitled "an act in alteration of chapter 104 of the Revised Statutes," and on the question, Shall the bill be engrossed and read the third time?" the yeas and nays having been demanded by Mr. Blodgett, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Aiken, Barrett, Bartlett, Blodgett, Bottum, Chipman, Crawford, Dana, Dillingham, Eaton of Franklin, Eaton of Washington, Fisk, Fletcher, French, Hatch, Hemenway, Howe, Norton, Palmer, Russell, Sabin, Sheldon, Sowles, Stevens, Swift, Wheelock, Wooster—27.

The Senator who voted in the negative, is:

Mr. Clark—1.

The bill was, therefore, ordered to be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT: The House have passed a resolution providing for a joint Assembly to elect a Sergeant-at-Arms, in which they request the concurrence of the Senate.

The resolution from the House is as follows:

*Resolved*, by the Senate and House of Representatives, That both houses meet in joint assembly, on Tuesday next, at three o'clock P. M. for the purpose of electing a Sergeant-at-Arms;

And it was read, and passed in concurrence.

(S. 6.) The Senate took up the bill entitled "an act relating to the election of Representatives to Congress," and on motion of Mr. Blodgett, it was re-committed to the committee on the Judiciary, with instructions to amend the same by striking out the first section, and

Mr. Dillingham, from said committee, reported the same, so amended, and it was ordered to be engrossed and read the third time.

The Senate adjourned.



FRIDAY, OCT. 22, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

(S. 4.) Mr. Sheldon, from the select committee to whom was referred the bill entitled "an act in addition to chapter 60, title 14, of the Revised Statutes," reported the same, with the opinion of the committee that it ought to pass.

Mr. Wooster moved to lay the bill on the table.

Which motion prevailed, and the bill was laid on the table.

Mr. Wooster introduced the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of passing a law to extend the trustee process to negotiable notes, unless notice of their transfer have been given by the endorsers to the makers of the same previous to the service of the trustee process,

Which was read and adopted.

(S. 12.) Mr. Wooster introduced a bill entitled "an act relating to the Grand List," which was twice read; whereupon,

Mr. Crawford objected to entertaining the bill, on the ground that it was a revenue bill, and as such required by the constitution to originate in the House of Representatives.

The Chair overruled the objection of Mr. Crawford.

Mr. Crawford appealed from the decision of the Chair, and on the question, Shall the decision of the chair be sustained? demanded the yeas and nays.

Mr. Eaton of Franklin moved to lay the question of appeal upon the table; and it was so ordered.

(S. 5.) Mr. Crawford, from the committee on Military Affairs, to whom was referred the bill entitled "an act to repeal part of an act therein named," reported that, in the opinion of the committee, the said bill ought not to pass.

Mr. Bartlett moved that said bill be laid on the table, and made the order of the day for to-morrow afternoon.

Which motion was agreed to.

Mr. Wooster, from the committee on the Judiciary, to whom was referred the resolution relative to amending section 63, chapter 28, of the Revised Statutes, reported as the opinion of the committee, that no legislation was necessary.

Mr. Dana moved to lay the resolution and report on the table.

Which motion was agreed to.

(H. 25.) Mr. Clark from the committee on Claims, to whom was referred the bill from the House of Representatives entitled "an act to pay Abel Drury the sum therein mentioned," reported the same without amendment, with the opinion of the committee that it ought to pass.

And the said bill was read the third time and passed.

(S. 8.) The Senate took up the engrossed bill entitled "an act to provide

for the union of school districts," and it was read the third time and passed.

(S. 9.) The Senate took up the engrossed bill entitled "an act in addition to the 41st chapter of the Revised Statutes," and the same was read the third time and passed.

A communication from the Secretary of State of the state of Alabama, which accompanied his Excellency's special message communicating documents received from the states, was read and referred to the committee appointed on the part of the Senate to examine into the condition of the state library.

(S. 11.) Mr. Eaton of Franklin introduced a bill entitled "an act to pay Rufus Campbell the sum therein mentioned," which was twice read, and referred to the committee on Claims.

On motion of Mr. Clark,  
The Senate adjourned.

#### AFTERNOON.

(S. 13.) Mr. Sheldon, from the committee on Education, to whom was referred the memorial of the New-York Historical Society, reported a bill entitled "an act directing the Secretary of State to furnish certain public documents for the use of the New-York Historical Society," which was read twice, and ordered to be engrossed and read the third time tomorrow.

Mr. Swift, from the majority of the committee on Banks, to whom was referred the resolutions from the state of Rhode Island on the subject of a national bank; submitted a report, and an accompanying resolution, which is as follows:

*Resolved*, by the Senate and House of Representatives, That this legislature, in their opinion, are not called upon to take any action on the resolution of the legislature of the state of Rhode Island on the subject of a national bank."

Which report and resolutions were,

On motion of Mr. Hatch, laid on the table.

Mr. Stevens introduced the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the existing law in relation to elections, as to provide that the select men of the several towns in the state shall be the sole board to decide upon the qualifications of persons claiming the right to vote in freemen's meetings, and also to provide for registering the names of all voters previous to 12 o'clock M. on the day of election."

Which resolution was read and adopted.

(S. 10.) The Senate took up the bill entitled "an act in alteration of chapter 104 of the Revised Statutes," and it was read the third time, and on the question, Shall the bill pass?

The yeas and nays having been demanded by Mr. Wooster, were as follows :

Those Senators who voted in the affirmative, are :

Messrs. Aiken, Bartlett, Blodgett, Bottum, Dean, Dillingham, Eaton of Franklin, Fletcher, French, Gilson, Hatch, Norton, Palmer, Russell, Sabin, Sheldon, Sowles, Stevens, Swift, Wheelock, Wooster—20.

The Senator who voted in the negative, is :

Mr. Clark—1.

So the bill was passed.

Mr. Russell, from the select committee to whom was referred the resolutions from the state of Indiana relative to fixing a uniform day throughout the United States for choosing electors of President and Vice President, submitted the following resolutions, and recommended their passage :

*Resolved*, by the Senate and House of Representatives, That our senators in Congress be instructed, and our representatives requested to vote for the passage of a law designating the same day throughout the United States for the choice of electors of President and Vice President of the United States.

*Resolved*, That the Governor of this State be requested to transmit a copy of this resolution to each of our senators and representatives in Congress, and to the governors of each of the states.

Which resolutions were read and passed.

(S. 14.) Mr. Dillingham, from the committee on the Judiciary, to whom was referred the resolution relative to extending the trustee process to negotiable notes in certain cases, reported a bill entitled "an act to amend chapter 29 of the Revised Statutes,"

Which bill, on motion of Mr. Clark, was laid on the table.

(S. 12.) The Senate resumed the consideration of the question of order on the bill entitled "an act relating to the Grand List," and on the question, Shall the decision of the Chair, admitting the said bill as in order, stand as the judgment of the Senate?

The yeas and nays having been demanded by Mr. Crawford, were as follows :

Those Senators who voted in the affirmative, are :

Messrs. Blodgett, Bottum, Chipman, Clark, Dillingham, Eaton of Franklin, Fletcher, French, Gilson, Hatch, Norton, Sabin, Sheldon, Sowles, Stevens, Swift, Wheelock, Wooster—18.

Those Senators who voted in the negative, are :

Messrs. Aiken, Crawford, Dana, Dean, Hemenway, Palmer and Russell—7.

So the decision of the Chair stands as the judgment of the Senate, and the bill was, on motion of Mr. Crawford, referred to the committee on Finance.

On motion of Mr. Swift,

The Senate adjourned.

SATURDAY, Oct. 23, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

(S. 15.) Mr. Norton, from the committee on Finance, to whom was referred the resolution relating to the concerns of the Vermont State Bank, reported a bill entitled "an act authorizing the treasurer of the state to settle the concerns of the Vermont State Bank."

Which was read twice, and ordered to be engrossed and read the third time.

(S. 11.) Mr. Norton, from the same committee, to whom was referred the bill entitled "an act relating to the Grand List," reported the opinion of the committee to be that the same ought not to pass; and on motion, it was

*Ordered* to be laid upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT: The House concur with the Senate in passing the resolution providing for the election of a reporter of the decisions of the supreme court, and commissioners of the deaf, dumb and blind, with a proposal of amendment, in which they request the concurrence of the Senate.

The proposed amendment of the House to the resolution providing for the election of a reporter of the decisions of the supreme court, and the commissioners of the deaf, dumb and blind, is as follows: to strike out the word "Friday," and insert the word "Tuesday;" and, on motion, the Senate concurred in the amendment.

(S. 16.) Mr. Dana introduced a bill entitled "an act to incorporate the Vermont Mining and Smelting Company," which was read twice and referred to the committee on Manufactures.

(S. 13.) The Senate took up the engrossed bill entitled "an act directing the Secretary of State to furnish certain public documents for the use of the New-York Historical Society," and it was

Read the third time and passed.

The President laid before the Senate a communication received from the Council of Censors, now in session, through their Secretary, Mr. Reed.

Which was read, and is as follows:

COUNCIL OF CENSORS, }  
October 22, 1841. }

*Resolved*, That so much of the acts passed on the 1st day of November, A. D. 1837, and on the 19th day of November, A. D. 1839, regulating and governing the militia of this State when not in actual service, as are hereafter mentioned and pointed out, are unconstitutional, and ought not to have been passed. To wit, in chapter nine and section first, the articles numbered 1, 2, 3, 5, 12 and 21; in chapter eleven, the sections numbered 1, 3, 4, 5, 6 and 7, passed the 1st day of November 1837;—also in chapter six, the section numbered 3; and in chapter eight, the sections num-

bered 2, 3, 4, 5, 6, 7, 8 and 9; and also in chapter ten, the sections numbered 7, 12, 13 and 14, passed the 19th day of November, 1839.

The articles and sections above enumerated contain provisions for imposing divers amercements, fines, and forfeitures on the citizens of this State, for unmilitary conduct and disobedience of orders, without the intervention of any civil magistrate, and excluding the right of trial by jury.

The fine is imposed by a court martial, and the sentence enforced by the levy of execution on the goods, chattels, or body of the delinquent.

This the Council of Censors believe to be in direct violation of the 17th article of the constitution, which declares that "no person in this state can in *any case*, be subjected to law martial, or to any penalties and pains by virtue of that law, except those employed in the army and the militia in *actual service*," and also in violation of another sacred provision of that instrument, which declares, "that in all prosecutions for criminal offences the person accused shall have a right to a speedy public trial by an impartial jury of the country, without the unanimous consent of which jury he cannot be found guilty."

The Council find the 7th section in the tenth chapter of the law passed on the 19th day of November, A. D. 1839, to be, if possible, more exceptionable than the other sections in said chapter, specified as aforesaid.

Certain penalties are therein imposed on officers required by said laws to make returns in writing, and on failure to perform their duty, the officer to whom such return shall have been made, may demand the *penalty* of the delinquent officer either verbally or in writing; and if the delinquent shall neglect or refuse to pay said fine within fifteen days after demand as aforesaid, then the officer to whom such return shall have been made, shall issue his execution therefor.

The Council consider this section as not only contravening the principles of the constitution, but despotic in its character, and wholly repugnant to the spirit and genius of our government.

The militia in *actual service*, is a very different thing from the militia called out for ordinary discipline, or for the review of arms; and the exception in the 17th article of the constitution in no wise authorizes the above enactments; therefore,

*Resolved*, That the Council do recommend to the legislature now in session, to repeal the articles and sections above specified; and that the Secretary of this Council be directed to transmit forthwith a copy of these resolutions to the President of the Senate and to the Speaker of the House of Representatives, for the consideration of their respective honorable bodies.

Read and adopted by a unanimous vote of the Council, on the 22d day of October, 1841.

HEZEKIAH H. REED, Sec'y.

MONTPELIER, 22d October, 1841.

I hereby certify the above to be a true copy of the records of the Council of Censors, now in session.

Attest,

H. H. REED, Secretary.

Mr. Bartlett introduced the following resolution:

*Resolved*, That the Secretary of the Senate be instructed to procure to be printed, for the use of the Senate, one hundred copies of the communication received from the Council of Censors.

Which was read, and

Mr. Eaton of W. moved to amend the same, by striking out the word

"one," and inserting the word "four," which proposed amendment was rejected and the resolution passed.

Mr. Wooster introduced the following resolution :

*Resolved*, That the committee on Banks be instructed to inquire into the expediency of passing a law extending the provisions of the General Banking law, passed last session, to banks whose charters were granted previously to the passing of the same.

Which was read and passed.

(S. 14.) The Senate took up the bill entitled "an act to amend chapter 29 of the Revised Statutes," and on motion of Mr. Bartlett, it was again laid upon the table.

Mr. Sabin presented the petition of R. T. Robinson and others, relating to slavery in the District of Columbia ; and the petition of R. T. Robinson and others relating to the Florida war, and, on his motion, they were referred to the select committee on the petition of E. D. Putnam and others.

Mr. Sabin, from the Committee on Finance, to whom was referred the resolution relative to the payment of the State debt by means of the school fund, reported the opinion of the committee to be that it is inexpedient at this time, to legislate upon the subject.

On motion of Mr. Clark, the report and resolutions were laid upon the table.

(S. 17.) Mr. Eaton of Franklin introduced a bill entitled "an act directing the Treasurer to pay Thomas H. Fuller the sum therein mentioned," which was read twice, and referred to the committee on Claims.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

Mr. PRESIDENT,—The House have passed bills of the following titles, in which they request the concurrence of the Senate :

(H. 15.) "An act to establish the line between the towns of Cavendish and Baltimore."

(H. 36.) "An act reviving an act laying a tax on the lands in Jay," and

(H. 6.) "An act in addition to chapter 28 of the Revised Statutes."

The said engrossed bills from the House of Representatives, were severally taken up, read twice, and referred as follows :

(H. 15.) The bill entitled "an act establishing the line between the towns of Cavendish and Baltimore," to a select committee composed of the senators from Windsor county.

(H. 36.) The bill entitled "an act reviving an act laying a tax on the lands in Jay," to the committee on Land Taxes ; and

(H. 6.) The bill entitled "an act in addition to chapter 29 of the Revised Statutes," to the committee on the Judiciary.

On motion of Mr. Clark,  
The Senate adjourned.

## AFTERNOON.

(S. 16.) Mr. Palmer from the committee on Manufactures, to whom was referred the bill entitled "an act to incorporate the Vermont Mining and Smelting Company," reported the same, without amendment.

Mr. Hatch moved to amend the said bill by inserting the following additional section, to wit:

"Section 5. The private property of the stockholders shall be holden for all the liabilities of said corporation."

And, on his motion, the said bill, with the proposed amendment, was laid upon the table.

(H. 15.) Mr. Gilson, from the special committee, to whom was referred the engrossed bill from the House of Representatives entitled "an act establishing the line between the towns of Cavendish and Baltimore," reported the same, without amendment, and it was read the third time and passed.

(S. 18.) Mr. Bartlett, from the committee on Finance, to whom was referred so much of his Excellency's message as relates to the proceeds of the sales of the public lands, reported a bill entitled "an act to provide for the receipt of the sales of the public lands," which was read twice.

Mr. Dana offered an amendment, which is in the following words:

"Sec. 2. So much of said money to be hereafter received, as shall not be otherwise appropriated, shall be applied to the payment of the State debt."

And, on motion of Mr. Bartlett, the bill, with the proposed amendment, was laid upon the table.

Mr. Dana offered the following amendment to the 37th of the Rules of Senate, to wit: to insert after the words, "ex-senators of the state Senate," the words, "members of the Council of Censors,"

Which amendment lies on the table, under the rule.

(S. 5.) The Senate took up the bill entitled "an act to repeal part of an act herein named," and on motion of Mr. Eaton of W. it was

*Ordered* to be laid upon the table.

(S. 19.) Mr. Bartlett introduced a bill entitled "an act to amend the 28th chapter of the Revised Statutes."

And it was read the first and second times, and referred to the committee on the Judiciary.

(S. 20.) Mr. Chipman, from the committee on Agriculture, to whom was referred so much of the Governor's message as relates to a geological survey of the state, reported a bill entitled "an act providing for a geological survey of the state,"

And it was read the first and second times, and

*Ordered* to be laid upon the table.

Mr. Palmer introduced the following resolution:

*Resolved*, That the committee on Military Affairs be instructed to inquire into the expediency of so altering the militia law, as not to require those persons who are enrolled, under the age of twenty-one years, and over the age of thirty years, to equip themselves, nor attend military trainings, in time of peace; and, also, to inquire into the expediency of repealing that part of the militia law which requires regimental drills.

Which resolution was read and passed.

Mr. Wooster introduced the following resolution:

*Resolved*, That the committee on Education be instructed to inquire into the expediency of subscribing, by the state, for a suitable number of copies, of the intended publication of the Rev. Zadock Thompson, of a Gazetteer, comprising the natural and civil history of the state, for the use of the state library, and for exchanging, with other states, for similar publications.

Which resolution was read and passed.

On motion of Mr. Eaton of Franklin,  
The Senate adjourned.

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MONDAY, Oct. 25, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

(S. 21.) Mr. Bottom introduced a bill entitled "an act to abolish the state school fund," which was read the first and second times, and referred to the committee on Education.

(S. 22.) Mr. Stevens introduced a bill entitled "an act to define the rights of freemen," which was read twice, and referred, on motion of Mr. Dana, to the committee on the Judiciary.

The Senate took up the amendment, proposed on Saturday by Mr. Dana, to the 37th rule of the Senate, and the same was adopted.

Mr. Swift called up the resolution which accompanied the report of the committee on Banks, to whom was referred a certain resolution of the legislature of Rhode Island relating to a national bank;

Which resolution is as follows:

*Resolved*, by the Senate and House of Representatives, That this legislature, in their opinion, are not called upon to take any action on the resolution of the legislature of Rhode Island on the subject of a national bank.

And on motion of Mr. Dana, it was

*Ordered* to be laid upon the table.

(S. 16.) The Senate, on motion of Mr. Dana, took into consideration the bill entitled "an act incorporating the Vermont Mining and Smelting Company."

The question being on the adoption of the amendment to the bill proposed by Mr. Hatch, Mr. Bottum moved to lay the same, with the bill, upon the table.

And it was so ordered.



A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT: The House have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 21.) "An act to alter the name of Jane Church and make her heir at law of Martin and Avalina Armstrong;"

(H. 44.) "An act annexing part of the towns of Fairfax and Fletcher to the town of Cambridge;"

(H. 14.) "An act altering the name of the town of Coventry;"

(H. 20.) "An act in addition to chapter 74 of the Revised Statutes;" and

(H. 39.) "An act in addition to chapter 65, section 45, of the Revised Statutes."

(S. 14.) Mr. Wooster called up the bill which had been laid upon the table, entitled "an act to amend chapter 29 of the Revised Statutes."

Mr. Bartlett moved to recommit the bill to the committee on the Judiciary with instructions so to amend the same, "that the maker of negotiable paper may plead any offset, or other matter or thing which would equitably discharge him, though the note may have been negotiated or attached on trustee process."

On motion of Mr. Dana, the bill and amendment were  
*Ordered* to be laid upon the table.

(S. 18.) The Senate, on motion of Mr. Dana, resumed consideration of the bill on the table, entitled "an act to provide for the receipt of the proceeds of the sales of the public lands," together with the amendment proposed by Mr. Dana.

The question being on adopting the proposed amendment,

On motion of Mr. Crawford, the same, with the bill, were

*Ordered* to be laid upon the table.

On motion of Mr. Sabin,

The Senate adjourned.

#### AFTERNOON.

(S. 17.) Mr. Clark, from the committee on Claims, to whom was referred the bill entitled "an act directing the treasurer to pay Thomas H. Fuller the sum therein mentioned," reported the same, with the opinion of the committee that it ought to pass, and it was

*Ordered* to be engrossed and read the third time.

The Senate took up the following engrossed bills from the House of Representatives, and they were severally read the first and second times, and referred as follows:

(H. 14.) "An act altering the name of the town of Coventry," to the senator from Orleans county."

(H. 21.) "An act altering the name of Jane Church, and make her heir at law of Martin and Avalina Armstrong," and

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(H. 39.) "An act in addition to chapter 65, section 45, of the Revised Statutes," to the committee on the Judiciary.

(H. 20.) "An act in addition to chapter 74 of the Revised Statutes," to the committee on Finance; and

(H. 44.) "An act annexing part of the towns of Fairfax and Fletcher to the town of Cambridge," to the senators from Franklin county.

Mr. Fisk, from the committee on Elections, to whom was referred the resolution relative to any senators holding an office under the authority of Congress, made the following report :

*To the Hon. Senate, now in session :*

Your committee on Elections have attended to the duty assigned to them by the resolution referred to them, and respectfully

REPORT:

That the Hon. Daniel W. Aiken, now holding a seat in the Senate, from the county of Caledonia, was, at the time of his election, holding the office of postmaster at Lamolleville in said county of Caledonia, and that post-bills bearing his signature, have been received at the post office in the village of Montpelier up to the 22d instant.

MOSES FISK, for Committee.

On motion of Mr. Clark, the report was

*Ordered* to be laid upon the table.

(S. 4.) Mr. Sheldon called up the bill entitled "an act in addition to chapter 60, title 14, of the Revised Statutes," and the question, Shall the bill be engrossed and read the third time? was decided in the negative.

So the bill was rejected.

(S. 23.) Mr. Bottum introduced a bill entitled "an act to repeal the bounty on foxes."

Which was read twice, and on his motion, referred to the committee on Finance.

(S. 24.) Mr. Eaton of Franklin, from the committee on Education, to whom was referred the resolution relating to Thompson's Gazetteer, reported a bill entitled "an act authorising the Secretary of State to subscribe for Thompson's Gazetteer," which was read the first and second times, and

*Ordered* to be engrossed and read the third time.

(S. 16.) The Senate took up the bill entitled "an act to incorporate the Vermont Mining and Smelting Company," and, having considered the same, on motion of Mr. Dillingham, it was

*Ordered* to be laid upon the table.

The Senate adjourned.

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TUESDAY, Oct. 26, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

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A message from the House of Representatives by Mr. Merrill, their Clerk:

MR. PRESIDENT: The House of Representatives concur with the Senate in passing a joint resolution relative to the claim of the State of Vermont upon the government of the United States, for expenses incurred during the war of the revolution.

On motion of Mr. Bartlett,  
*Ordered*, That the Secretary inform the Council of Censors, of the alteration of the 37th rule of the Senate, admitting the members of the Council within the lobby of the Senate.

A communication from the District Clerk of the United States for the District of Vermont, enclosing the abstract of the census of the state, was received and read.

The communication from the Council of Censors, relative to certain violations of the constitution, was taken up, and referred to the committee on the Judiciary.

(S. 24.) The engrossed bill entitled "an act authorising the Secretary of State to subscribe for Thompson's Gazetteer," was taken up, referred to the senator from Addison (Mr. Wooster,) for special amendment, amended, read the third time and passed.

(S. 17.) The Senate took up the engrossed bill entitled "an act directing the treasurer to pay Thomas H. Fuller the sum therein mentioned," and it was read the third time and passed.

On motion of Mr. Sowles,  
The Senate adjourned.

## AFTERNOON.

(S. 26.) Mr. Eaton of Washington, introduced a bill entitled "an act in alteration of chapter 109 of the Revised Statutes," which was read twice and referred to the committee on the Judiciary.

(S. 27.) Mr. Wheelock introduced a bill entitled "an act to incorporate the Whitingham Academy," which was read twice and referred to the committee on Education.

(S. 2.) Mr. Wooster, from the committee on the Judiciary, to whom was referred the bill entitled "an act to prevent usury," reported the same, with the opinion that no legislation is necessary on the subject; and on the question, Shall the bill be engrossed and read the third time? it was decided in the negative.

So the third reading was denied.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT: The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 52.) "An act laying a tax on the lands in Goshen."

(H. 32.) "An act to pay Henry S. Morse and others the sum therein mentioned," and

(H. 54.) "An act laying a tax on the lands in Newark."

(S. 16.) The Senate resumed the consideration of the amendment proposed by Mr. Hatch to the bill entitled "an act to incorporate the Vermont Mining and Smelting Company."

Mr. Wheelock proposed to amend the said amendment by adding thereto the following proviso:

"Provided that no individual stockholder shall be liable for a greater sum than the amount of his stock bears proportion to the whole amount of stock in said corporation."

And on the adoption of said amendment to the amendment of Mr. Hatch, the yeas and nays having been demanded by him, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Barrett, Clark, Crawford, Dana, Dean, Eaton of Franklin, Fisk, Fletcher, French, Gilson, Howe, Palmer, Russell, Sabin, Sowles, Swift, Wheelock, Wooster—18.

Those Senators who voted in the negative, are:

Messrs. Aiken, Bartlett, Blodgett, Bottum, Dillingham, Eaton of Washington, Hatch, Hemenway, Sheldon, and Stevens—10.

So the amendment to the amendment of Mr. Hatch was adopted.

Mr. Blodgett moved to lay the amendment as amended on the table, and on this motion called the yeas and nays, which are as follows:

Those Senators who voted in the affirmative, are:

Messrs. Aiken, Barrett, Bartlett, Blodgett, Clark, Dillingham, Eaton of Washington, Hatch, Hemenway, Sheldon, Stevens and Wooster—12.

Those Senators who voted in the negative, are:

Messrs. Bottum, Crawford, Dana, Dean, Eaton of Franklin, Fisk, Fletcher, French, Gilson, Howe, Palmer, Russell, Sabin, Sowles, Swift, Wheelock—16.

So the Senate refused to lay the amendment on the table.

And while the question, Will the Senate adopt the amendment as amended? was pending,

On motion of Mr. Dillingham,

The Senate adjourned.

WEDNESDAY, Oct. 27, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

Mr. Clark moved that Mr. Fletcher, a senator from Chittenden, be ex-

cused from attendance on the Senate from and after to-morrow ; and he was accordingly excused.

(S. 16.) The Senate resumed the consideration of the bill entitled "an act to incorporate the Vermont Mining and Smelting Company," and

Mr. Hatch proposed to amend the amendment thereto, as amended, by adding thereto the following additional proviso :

"And it is further provided that the preceding proviso shall not prevent any laborer or mechanic, who has wrought for the said corporation, from receiving all his dues against said corporation."

And on the question of adopting the said amendment, the yeas and nays having been demanded by Mr. Blodgett, were as follows :

Those Senators who voted in the affirmative, are :

Messrs. Aiken, Bartlett, Blodgett, Bottum, Chipman, Clark, Dana, Dean, Dillingham, Eaton of Franklin, Eaton of Washington, Fisk, French, Hatch, Hemenway, Howe, Norton, Palmer, Sheldon, Stevens, Swift and Wheelock—22.

Those Senators who voted in the negative, are :

Messrs. Barrett, Crawford, Russell, Sabin, Sowles, Wooster—6.

So the amendment to the amendment as amended was adopted.

And the question recurring on the adoption of the original amendment as amended, the yeas and nays having been demanded by Mr. Hemenway, were as follows :

Those Senators who voted in the affirmative, are :

Messrs. Aiken, Bartlett, Blodgett, Dillingham, Hatch, Hemenway, Norton, Sheldon, Stevens, Wheelock and Wooster—11.

Those Senators who voted in the negative, are :

Messrs. Bottum, Chipman, Crawford, Dana, Dean, Eaton of Franklin, French, Gilson, Palmer, Russell, Sabin, Sowles and Swift—13.

So the amendment as amended was rejected.

On motion of Mr. Dana, the bill was laid on the table.

A communication was received from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs :

And is as follows :

EXECUTIVE CHAMBER, Oct. 26, 1841.

*To the Senate :*

I herewith transmit to the Senate, for the use of the General Assembly, certain resolutions and other documents from the General Assemblies of Connecticut, Rhode Island, Maine, Ohio, Maryland and Mississippi, together with a memorial of Alexander Vattemare, a report from the Quarter Master General, and from the committee appointed to let out the labor of the convicts in the state prison.

[CHARLES PAINE.

(S. 14.) Mr. Wooster called up the bill entitled "an act to amend chapter 29 of the Revised Statutes," and it was ordered to be engrossed and read the third time.

(H. 52.) A bill from the House of Representatives, entitled "an act laying a tax on the lands in Goshen," and a bill (H. 54,) from the same, entitled "an act laying a tax on the lands in Newark," were severally read the first and second times, and referred to the committee on Land Taxes.

(H. 32.) A bill from the House of Representatives entitled "an act to

pay Henry S. Morse and others the sum therein mentioned," was read the first and second times and referred to the committee on Claims.

The documents accompanying the communication from his Excellency the Governor, were severally taken up and referred as follows :

The resolutions from Connecticut and Rhode Island relative to a tariff, to the committee on Agriculture.

The resolutions from Connecticut on the subject of altering the constitution of the United States, to the select committee raised on so much of the Governor's message as relates to that subject.

So much of the resolutions from Mississippi as relates to the controversy between Virginia and New York, and between Georgia and Maine, to the committee raised on the Virginia resolutions.

The resolutions from the state of Maine, to the committee raised on so much of the Governor's message as relates to the abduction of James W. Groghan.

The letter from the state Librarian of Maryland, and the memorial of Alexander Vattermare, to the committee on the State Library.

The memorial of the New York Institute for the Blind, to the committee on Education.

The report of the committee appointed to let out the labor of the convicts in the state prison, to the committee on Finance.

The report of the Quarter Master General, to the committee on Military Affairs.

(S. 14.) On motion of Mr. Hatch, the vote of the Senate ordering the bill entitled "an act to amend chapter 29 of the Revised Statutes," to be engrossed and read the third time, was reconsidered, and the bill,

On motion of Mr. Dillingham, was laid on the table.

On motion of Mr. Swift,  
The Senate adjourned.

#### AFTERNOON.

(S. 26.) Mr. Wooster, from the committee on the Judiciary, to whom was referred the bill entitled "an act in alteration of chapter 109 of the Revised Statutes," reported the same without amendment, and it was ordered to be engrossed and read the third time.

(H. 39.) Mr. Wooster, from the same committee, to whom was referred the bill entitled "an act in addition to chapter 65, section 45, of the Revised Statutes," reported the same without amendment, and it was read the third time and passed.

Mr. Clark called up the resolution relative to the holding by any Senator of any office of profit or trust under the authority of Congress, with the report of the committee thereon, and moved to recommit the same to the

said committee, with instructions to report thereon by resolution or otherwise; which motion prevailed.

(H. 36.) Mr. Dean, from the committee on Land Taxes, to whom was referred the bill entitled "an act laying a tax on the lands in Jay," reported the same, without amendment, and it was read the third time and passed.

(H. 14.) Mr. Hemenway, the senator from Orleans, to whom was referred the bill from the House of Representatives, entitled "an act altering the name of the town of Coventry," asked to be excused from the further consideration of the bill, and he was so excused.

On motion of Mr. Fisk,

*Ordered*, That the bill lie on the table.

(H. 44.) Mr. Sabin for the senators from Franklin, to whom was referred the bill from the House of Representatives, entitled "an act annexing part of the towns of Fairfax and Fletcher to the town of Cambridge," reported the same without amendment, and it was read the third time and passed.

(H. 20.) Mr. Sabin from the committee on Finance, to whom was referred the bill from the House of Representatives, entitled "an act in addition to chapter 74 of the Revised Statutes," reported the same, without amendment, and it was read the third time and passed.

(S. 12.) Mr. Wooster called up the bill entitled "an act in relation to the Grand List," and moved that the same be indefinitely postponed, and on this question demanded the yeas and nays, which are as follows:

Those Senators who voted in the affirmative, are:

Messrs. Aiken, Barrett, Bartlett, Blodgett, Bottum, Chipman, Clark, Crawford, Dana, Dean, Eaton of Franklin, Fisk, Fletcher, French, Gilson, Hatch, Hemenway, Howe, Russell, Sabin, Sheldon, Sowles, Swift and Wheelock—24.

Those Senators who voted in the negative, are:

Messrs. Eaton of Washington, Norton, Stevens and Wooster—4.

So the bill was indefinitely postponed.

Mr. Blodgett from the committee on Agriculture, to whom was referred the subject of a geological survey of the State, made a minority report, which,

On his motion, was laid upon the table.

The Senate adjourned.

THURSDAY, Oct. 28, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

The President presented the petition of Fanny Nasmith, which was referred to the committee on the Judiciary.

(S. 14.) On motion of Mr. Dillingham, the Senate took up the bill entitled "an act to amend chapter 29 of the Revised Statutes," and

On motion of Mr. Dillingham, the following amendments, were adopted, to wit: after the words "negotiable paper," the words, "whether under, or over, due," were added; and to the bill was added the following proviso: "Provided, that in all cases hereafter arising, when, from the trustee's disclosure, it shall appear that he has been notified of the sale or assignment of any demand for which he would otherwise be adjudged trustee, either of the parties to that suit or process may raise the question of the validity of such sale or assignment; and the person or persons, who gave such notice of sale or assignment to him, or them, may be summoned as witnesses, and compelled to testify to the consideration upon which such sale or assignment was made; and if, upon all the evidence on that point, it shall be found that such sale or assignment was not *bona fide*, then said trustee shall be adjudged liable in the same manner as though no sale or assignment had been pretended."

And the bill, so amended, on motion of Mr. Wooster, was

*Ordered* to be laid upon the table.

Mr. Blodgett introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That both houses meet in joint assembly on Monday next, at 3 o'clock in the afternoon, for the purpose of electing a superintendent of the state prison.

Which was read and passed.

Mr. Fisk, from the committee on Elections, to whom was recommitted, with instructions, the resolution directing enquiry into any Senator's holding any office of trust or profit under the authority of Congress, together with the report of such committee thereon, made a report concluding with a resolution, which is as follows:

*Resolved*, That Daniel W. Aiken, a senator from the county of Caledonia, and a postmaster at Lamoilleville in said county, is not entitled to his seat, as a member of the Senate.

And on motion of Mr. Dillingham, the report and resolutions were

*Ordered* to be laid upon the table, and made the order of the day for tomorrow morning.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT: The House concur with the Senate in passing a bill (S. 15,) entitled "an act authorising the treasurer of the state to settle the concerns of the Vermont State Bank."

(H. 55.) They have also passed a bill entitled "an act laying a tax on the land in Avery's Gore, in the county of Franklin," in which they request the concurrence of the Senate."

Mr. Swift asked leave of absence from the Senate, from and after this day, and

The leave asked was granted.

The Senate adjourned.



## AFTERNOON.

(S. 19.) Mr. Wooster, from the committee on the Judiciary, to whom was referred the bill entitled "an act to amend the 29th chapter of the Revised Statutes," reported the same, without amendment, and it was *Ordered* to be engrossed and read the third time.

(S. 26.) The Senate resumed the consideration of the bill entitled "an act in alteration of chapter 109 of the Revised Statutes," and it was read the third time and passed.

(H. 55.) The bill from the House of Representatives entitled "an act laying a tax on the lands in Avery's Gore in the county of Franklin," was taken up, read the first and second times, and referred to the committee on Land Taxes.

(S. 16.) Mr. Sheldon called up the bill entitled "an act to incorporate the Vermont Mining and Smelting Company," and moved that the same be indefinitely postponed; and on this motion, the yeas and nays having been demanded, were as follows:

Those senators who voted in the affirmative, are:

Messrs. Aiken, Bartlett, Blodgett, Crawford, Eaton of Washington, Hatch, Hemenway, Sheldon, Sowles, Stevens and Wooster—11.

Those Senators who voted in the negative, are:

Messrs. Barrett, Bottum, Chipman, Dana, Dean, Eaton of Franklin, Fisk, French, Gilson, Howe, Norton, Russell, Sabin and Wheelock—14.

So the motion was lost.

On the question, Shall the bill be ordered to be engrossed and read the third time? the yeas and nays having been demanded by Mr. Hatch, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Barrett, Dana, Eaton of Franklin, French, Gilson, Howe, Norton, Russell and Sabin—9.

Those Senators who voted in the negative, are:

Messrs. Aiken, Bartlett, Blodgett, Bottum, Chipman, Crawford, Dean, Eaton of Washington, Fisk, Hatch, Hemenway, Sheldon, Sowles, Stevens, Wheelock and Wooster—16.

So the third reading of the bill was refused.

Mr. Dana introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That both houses meet in joint assembly to-morrow afternoon at 3 o'clock, for the purpose of electing a bank commissioner and bank committee.

Which was read and passed.

(S. 19.) Mr. Dana called up the bill entitled "an act to provide for the receipt of the proceeds of the sales of the public lands."

The question being on the adoption of the amendment of Mr. Dana, the same was amended so as to provide, "that so much of said

money, to be hereafter received, as shall not be otherwise appropriated, the Treasurer is hereby authorized to apply to the payment of the state debt."

And, on motion, the said bill, with the proposed amendment, was  
*Ordered* to be laid upon the table.

Mr. Clark introduced the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of extending the time for granting new trials in cases where the reason assigned is the discovery of new evidence, to three years next after the final judgment.

Which was read and passed.

(S. 14.) On motion of Mr. Wooster, the Senate resumed the consideration of the bill entitled "an act to amend chapter 29 of the Revised Statutes," and the bill, as amended, was

*Ordered* to be engrossed and read the third time.

Mr. Dillingham presented the petition of the inhabitants of East Bethel and vicinity, praying for the abolishment of capital punishment, which was read, and referred to the select committee on the petition of Norris Day and others.

Mr. Bottum introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That the General Assembly adjourn on Wednesday next, at 5 o'clock A. M. without day.

Which was read, and, on motion of Mr. Wooster,

*Ordered* to be laid upon the table.

On motion of Mr. Sabin,  
The Senate adjourned.

FRIDAY, Oct. 29, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT,—The House concur with the Senate in passing a resolution providing for a joint assembly, to elect a bank commissioner and bank committee, and a resolution providing for a joint assembly to elect a superintendent of the state prison.

The House have passed a resolution relating to the Essex county bank, and bills of the following titles:

- (H. 35.) "An act in addition to chapter 21 of the Revised Statutes,"
- (H. 57.) "An act to incorporate Willoughby Lake Turnpike Company,"
- (H. 60.) "An act laying a tax on the lands in Salem,"
- (H. 59.) "An act laying a tax on the lands in Holland," and

(H. 18.) "An act to incorporate the Readsboro' and Woodford Turnpike Company,"

In which they request the concurrence of the Senate.

A resolution from the House of Representatives, as follows:

*Resolved*, by the Senate and House of Representatives, That David Hibbard, Jr., Sewall Fullam, Jr., and Daniel Cobb, be appointed a committee to investigate the situation and concerns of the bank of Essex county, to ascertain the manner of the transfer of the stock of said bank to foreign purchasers, the liabilities and responsibilities of each officer of said bank, since the incorporation thereof; and to adopt and pursue such measures by suits or otherwise, as said committee may deem expedient to protect the safety fund and the public, from loss, in consequence of the failure of said bank to redeem its bills, and to correct frauds, if any may be found to exist,

Was taken up, read, and passed in concurrence.

Mr. Palmer introduced the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending chapter 42 of the Revised Statutes as to exempt from attachment and execution, a suitable quantity of charcoal, in addition to the other articles now exempt by the statute.

Which was read and passed.

Mr. Dana introduced the following resolution:

*Resolved*, That the hour of meeting, during the remainder of the session, be changed from nine o'clock in the morning, as now provided by the 2d rule of the Senate, to 8 o'clock in the morning.

Which was read, and

On motion of Mr. Bartlett,

*Ordered* to be laid upon the table.

Mr. Wooster introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That the Governor be authorized and requested to appoint a committee consisting of one or three members, as may be most expedient, for the purpose of digesting the militia laws of this state, and take into consideration the recommendation of the present Council of Censors upon that subject; and that their report be made to the legislature at their next session.

Which was read, and, on his motion,

*Ordered* to be laid upon the table.

(S. 28.) Mr. Wooster introduced a bill entitled "an act in alteration of chapter 107 of the Revised Statutes,"

Which was read twice, and referred to the committee on the Judiciary.

The Senate resumed the consideration of the report and resolution from the committee on Elections, to whom was referred the resolution relative to senator's holding any office of trust or profit, under the authority of Congress, which was, yesterday, laid upon the table and made the order of the day for this morning, and without having taken any action thereon,

On motion of Mr. Bartlett,

The Senate adjourned.

## AFTERNOON.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

**MR. PRESIDENT:** The House concur with the Senate in passing a bill (S. 8.) entitled "an act to provide for the union of school districts."

The House have passed bills of the following titles:

(H. 10.) "An act for the relief of the insane poor," and

(H. 37.) "An act for the appointment of commissioners to take depositions and acknowledgments of deeds in Canada."

In which they request the concurrence of the Senate.

A communication was received from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

And is as follows:

EXECUTIVE CHAMBER, Oct. 29, 1841.

*To the Senate:*

I have the honor to inform the Senate that a vacancy has occurred, in the office of Brigadier General of the first Brigade, second division, by the resignation and honorable discharge of Brigadier General Silas B. Hazletine.

CHARLES PAINE.

Mr. Blodgett, from the committee on Agriculture, to whom was referred the resolution introduced by Mr. Hatch, relative to making appropriations to encourage the formation of agricultural societies, reported the opinion of the committee to be, at this time, averse from recommending such appropriations.

On motion of Mr. Hatch, it was

*Ordered* to be laid upon the table.

Mr. Wooster, from the committee on the Judiciary, to whom was referred the communication from the Council of Censors, relative to certain violations of the constitution, asked that the said committee be discharged from further consideration of said communication, and moved that the same be referred to the committee on Military Affairs.

The Senate refused to discharge the Judiciary committee.

(H. 21.) Mr. Wooster, from the committee on the Judiciary, to whom were referred the petition of Fanny Nasmith, and the bill (H. 21.) from the House of Representatives entitled "an act to alter the name of Jane Church, and make her heir at law of Martin and Avalina Armstrong," reported the said bill, with the following proposals of amendment:

Sec. 3. That Fanny Nasmith, of Montpelier, shall hereafter be known as, and called, Fanny Mellen."

Mr. Clark moved further to amend the bill, by striking out the title of the same, and inserting in lieu thereof the following:

"An act altering the names of several persons therein mentioned."

Which amendments were adopted, and the bill, as amended, was passed in concurrence.

(S. 23.) Mr. Chipman, from the committee on Agriculture, to whom was referred the bill entitled "an act to repeal the bounty on foxes," reported the same, without amendment, and on motion of Mr. Dana, it was

*Ordered*, That the bill lie on the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT: The House concur with the Senate in passing the bill (S. 10) entitled "an act in alteration of chapter 104 of the Revised Statutes," with a proposal of amendment, in which they request the concurrence of the Senate.

The House have passed a bill (H. 45) entitled "an act relating to the construction of a bridge from South Hero to Milton," in which they also request the concurrence of the Senate.

The following engrossed bills from the House of Representatives, were taken up, severally read the first and second times, and referred, as follows:

(H. 18.) "An act to incorporate the Readsboro' and Woodford Turnpike Company,"

(H. 57.) "An act to incorporate the Willoughby Lake Turnpike Company,"

(H. 35.) "An act in addition to chapter 21 of the Revised Statutes," and

(H. 45.) An act relating to the construction of a bridge from South Hero to Milton," to the committee on Roads and Canals.

(H. 60.) "An act laying a tax on the lands in Salem," and

(H. 59.) "An act laying a tax on the lands in Holland," to the committee on Land Taxes.

(H. 37.) "An act for the appointment of commissioners to take depositions and acknowledgements of deeds in Canada," to the committee on the Judiciary; and

(H. 10.) "An act for the relief of the insane poor," to the committee on Finance.

The Senate considered the amendment proposed by the House of Representatives to the engrossed bill (S. 10) entitled "an act in alteration of chapter 104 of the Revised Statutes, which is as follows: To insert in the second section, after the words "was elected," the words, "or in case a vacancy happen from any other cause, in said office of chaplain."

And the same was concurred in.

(S. 23.) Mr. Bottum called up the bill entitled "an act to repeal the bounty on foxes."

Mr. Crawford offered the following amendment: To strike out all after the enacting clause and insert the following: "That sections two, three, four, five, six, seven, and eight, of chapter ninety of the Revised Statutes, be, and the same are, hereby, repealed: Provided, that no rights which have accrued under the same shall thereby be affected."

The Senate refused to adopt the amendment.

And on the question, Shall the bill be engrossed and read the third time?

The yeas and nays having been demanded by Mr. Stevens, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Bartlett, Blodgett, Bottum, Chipman, Clark, Dana, Dillingham, Eaton of Franklin, French, Gilson, Hatch, Hemenway, Norton, Palmer, Sabin, Sowles, Stevens, and Wooster—18.

Those Senators who voted in the negative, are:

Messrs. Crawford, Dean, Russell, Sheldon, and Wheelock—5.

So the bill was

*Ordered* to be engrossed and read the third time.

On motion of Mr. Sheldon,  
The Senate adjourned.

SATURDAY, Oct. 30, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

Mr. Norton, from the select committee to whom was referred so much of the Governor's message as relates to alterations of the federal constitution, and also the resolutions from the states of Connecticut, Indiana, Massachusetts, Kentucky, Delaware and Maine, on the same subject, reported the following resolutions:

*Resolved*, by the Senate and House of Representatives, That the constitution of the United States should be so far amended as to restrict the eligibility of the President of the United States to a single term.

*Resolved*, That our senators and representatives in congress be, and they hereby are requested to use their best endeavors to procure an amendment of the constitution of the United States, in conformity with the principles contained in the foregoing resolution.

*Resolved*, That his Excellency the Governor be requested to transmit a copy of the foregoing resolutions to each of our senators and representatives in Congress, and to each of the Executives of the states of Massachusetts, Maine, Delaware, Indiana, and Kentucky.

Mr. Wooster offered the following amendment: In the first resolution to add after the words, "a single term," the words, "of six years duration," which, with the resolutions,

On motion of Mr. Bartlett, was

*Ordered* to be laid upon the table.

Mr. Sheldon introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That both houses meet in joint assembly on Monday next, at 3 o'clock in the afternoon, for the purpose of filling the vacancy in the first brigade, second division of the militia of this state, occasioned by the resignation of Brig. Gen. Silas B. Hazletine.

Which was read and passed.

Mr. Eaton of Franklin introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That the Secre-

tary of State is hereby directed to classify, arrange, and cause to be recorded in a manner convenient for reference, the revolutionary pay rolls now on file in his office; and that the auditor of accounts be authorized to draw an order on the Treasurer for such sum as may be a reasonable compensation for such service; and the Treasurer is hereby directed to pay the same out of any moneys not otherwise appropriated.

Which was read, and on motion of Mr. Eaton of Franklin, referred to a select committee of three; and

The President announced the appointment of Messrs. Eaton of Franklin, Dillingham and Crawford, as such committee.

Mr. Blodgett introduced the following resolution:

*Resolved*, That a select committee of three be appointed, whose duty it shall be to apportion the senators to the several counties according to the population, agreeably to the fourth article of the amended constitution; and report to the Senate by bill or otherwise.

Which was read, and on motion of Mr. Dana,

*Ordered* to be laid upon the table.

(S. 19.) The Senate took up the engrossed bill entitled "an act to amend the 28th chapter of the Revised Statutes," and the engrossed bill (S. 14,) entitled "an act to amend chapter 29 of the Revised Statutes," and the same were, severally, read the third time and passed.

Mr. Sabin, from the select committee, to whom was referred the petition of Rowland T. Robinson, relating to the Florida war, reported that the prayer of the petitioners ought not to be granted.

Mr. Sabin, from the same committee, to whom was referred the petitions of E. D. Putnam and others and R. T. Robinson and others, relating to slavery and the slave trade in the District of Columbia and the territories reported the following preamble and resolutions:

Whereas, domestic slavery exists in the District of Columbia, under the express authority of Congress, which at the time of the cession of the district, re-enacted the slave codes of Maryland and Virginia: and whereas, the sanction thus given to slavery, in its toleration at the seat of government, forms a manifest violation, by the nation, of the first principles of justice, and has a tendency to corrupt the moral sense of the whole people of the United States: and whereas the domestic slave trade, carried on in the said District, is as unjustifiable in principle, and scarcely less inhuman than the African slave trade; therefore,

*Resolved*, by the Senate and House of Representatives, That our senators in Congress be instructed, and our representatives requested, to use their influence to procure, as early as possible, a repeal of all laws authorising slavery in the District of Columbia,

*Resolved*, By the Senate and House of Representatives, That our senators and representatives in Congress be requested to use their utmost endeavors to prevent the adoption by either house of Congress, of any rule, order, resolution or usage, limiting or impairing the constitutional right of the people to petition Congress for the redress of grievances.

*Resolved*, furthermore, That no new state ought to be admitted into the Union, whose constitution authorizes domestic slavery.

*Resolved*, That his Excellency, the Governor, be requested to forward a copy of the foregoing resolutions to each of the senators and representatives in Congress, from this state,

A message from his Excellency, the Governor, by Mr. Hale, the Secretary of Civil and Military Affairs:

MR. PRESIDENT: I am directed by his Excellency, the Governor, to inform the Senate, that he has communicated to the House of Representatives for the use of the General Assembly, the report of the auditor in the Treasury Department.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT: The House have passed bills of the following titles:

(H. 73.) "An act in relation to crimes and punishments," and

(H. 62.) "An act to repeal part of chapter 90 of the Revised Statutes,"

In which they request the concurrence of the Senate.

(S. 26.) The House do not concur with the Senate in passing a bill entitled "an act in alteration of chapter 109 of the Revised Statutes."

The Senate resumed the consideration of the report and resolution presented by the committee on Elections, relating to any senator's holding an office of profit or trust under the authority of Congress.

Mr. Eaton of Washington moved that the same be recommitted to the committee on Elections, with instructions to report facts in the case, and that the committee be authorised to send for persons and papers.

The Senate refused to re-commit.

Mr. Bartlett moved that the Senate do now adjourn.

Which was decided in the negative.

Mr. Eaton of Washington moved to lay the report and resolution upon the table, and on his motion, the yeas and nays, having been demanded by Mr. Dillingham, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Aiken, Bartlett, Blodgett, Dillingham, Eaton of Washington, French, Hatch, Hemenway, Sheldon, and Sowles,—10.

Those Senators who voted in the negative, are:

Messrs. Barrett, Bottum, Chipman, Clark, Crawford, Dana, Dean, Eaton of Franklin, Fisk, Gilson, Norton, Palmer, Russell, Wheelock and Wooster—15.

So the motion to lay upon the table was lost.

And on the question, Shall the resolution pass? the yeas and nays, having been demanded by Mr. Dana, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Barrett, Bottum, Chipman, Clark, Crawford, Dana, Dean, Eaton of Franklin, Fisk, French, Gilson, Norton, Palmer, Russell, Sheldon, Sowles, Wheelock,—17.

Those Senators who voted in the negative, are:

Messrs. Bartlett, Blodgett, Eaton of Washington,—3.

So the resolution was adopted, and Daniel W. Aiken declared to be not entitled to a seat in the Senate.

On motion of Mr. Sowles,  
The Senate adjourned.



## AFTERNOON.

On motion of Mr. Fisk, the committee on Elections had leave to sit during the session, this afternoon.

(H. 6.) Mr. French, from the committee on the Judiciary, to whom was referred the bill from the House of Representatives, entitled "an act in addition to chapter 28 of the Revised Statutes," reported the same without amendment, and it was read the third time and passed in concurrence.

(H. 37.) Mr. Wooster, from the same committee, to whom was referred the bill from the House of Representatives, entitled "an act for the appointment of commissioners to take depositions and acknowledgments of deeds in Canada," reported the same without amendment, and

On motion of Mr. Wooster,  
*Ordered* to be laid upon the table.

A message from the House of Representatives by Mr. Merrill, their Clerk:

MR. PRESIDENT: The House concur with the Senate in passing a resolution providing for a joint assembly to elect a Brigadier General, first brigade, second division, to supply the vacancy occasioned by the resignation of Brig. Gen. Hazeltine.

(H. 21.) The House do not concur with the Senate in adopting the proposed amendments to the bill entitled "an act to alter the name of Jane Church, and make her heir at law of Martin and Avalina Armstrong."

The House have passed bills of the following titles:

(H. 65.) "An act relating to bail in criminal cases," and

(H. 75.) "An act in addition to an act forming a religious society in Pawlet,"

In which they request the concurrence of the Senate.

(H. 10.) Mr. Wooster, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled "an act for the relief of the insane poor," reported the same, without amendment, and it was read the third time and passed in concurrence.

(H. 62.) The Senate took up the bill from the House of Representatives, entitled "an act to repeal a part of chapter 90 of the Revised Statutes," and it was read twice, and, by unanimous consent, read the third time and passed in concurrence.

(H. 73.) The Senate took up the bill from the House of Representatives entitled "an act in relation to crimes and punishments," and it was read twice, and referred to the committee on the Judiciary.

(S. 18.) Mr. Dana called up the bill entitled "an act to provide for the receipt of the proceeds of the sales of the public lands," and on motion of Mr. Hatch the said bill was laid on the table.

(H. 75.) The Senate took up the bill from the House of Representatives, entitled "an act in addition to an act forming a religious society in Pawlet," and it was read the first and second times, and, by unanimous consent, read the third time, and passed in concurrence.

(H. 65.) The Senate took up the bill from the House of Representatives, entitled "an act relating to bail in criminal cases," and it was read the first and second times, and referred to the committee on the Judiciary.

(H. 21.) The Senate took up the bill from the House of Representatives, entitled "an act to alter the name of Jane Church, and make her heir at law of Martin and Avalina Armstrong," and the question, Will the Senate recede from its amendments to the same? was decided in the affirmative.

(H. 14.) The Senate took up the bill from the House of Representatives, entitled "an act altering the name of the town of Coventry," and it was read the third time, and on the question, Shall the bill pass? the yeas and nays having been demanded by Mr. Hemenway, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Bartlett, Bottum, Dana, Dean, Eaton of Franklin, French, Gilson, Norton, Palmer and Russell,—10.

Those Senators who voted in the negative, are:

Messrs. Blodgett, Chipman, Crawford, Hatch, Hemenway, Sheldon, Sowles, Wheelock, Wooster,—9.

So the bill was passed.

Mr. Bottum called up the resolution relating to the adjournment of the General Assembly, and

Mr. Dana moved to amend the same by inserting the word "Thursday" instead of the word "Wednesday," and the amendment was adopted.

Mr. Blodgett moved to postpone the resolution indefinitely, and on that question,

The yeas and nays, having been demanded by Mr. Dana, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Bartlett and Blodgett—2.

Those Senators who voted in the negative, are:

Messrs. Bottum, Chipman, Crawford, Dana, Dean, Eaton of Franklin, French, Gilson, Hemenway, Norton, Palmer, Russell, Sheldon, Sowles, Wheelock and Wooster—16.

So the Senate refused to postpone the resolution indefinitely.

On motion of Mr. Wooster, the resolution was laid on the table.

Mr. Wheelock, from the committee on Bills, reported that the said committee had presented to the Governor, for his approval and signature, the following entitled bills:

(S. 1.) "An act altering the name of the Vermont Academy of Medicine."

(H. 44.) "An act annexing part of the towns of Fairfax and Fletcher to the town of Cambridge."

(S. 15.) "An act authorizing the Treasurer of the state to settle the concerns of the Vermont State Bank."

(S. 8.) "An act to provide for the union of schools districts."

(H. 25.) "An act to pay Abel Drury the sum therein mentioned."

H

(H. 20.) "An act in addition to chapter 74 of the Revised Statutes."

(H. 36.) "An act reviving an act laying a tax on the lands in Jay."

(H. 3.) "An act in alteration of the 32d chapter of the Revised Statutes."

(H. 15.) "An act establishing the line between the towns of Cavendish and Baltimore."

(H. 39.) "An act in addition to chapter 65, section 45, of the Revised Statutes."

On motion of Mr. Russell,  
The Senate adjourned.

MONDAY, NOV. 1, 1841.

Prayer by the Chaplain.

The journal of Saturday was read.

(S. 29.) Mr. Blodgett introduced a bill entitled "an act in addition to chapter 69 of the Revised Statutes."

Which was read twice and referred to the committee on Manufactures.

(S. 30.) Mr. Wooster introduced a bill entitled "an act relating to the militia of the state."

Which was read the first and second times, and referred to the committee on Military Affairs.

Mr. Bartlett introduced the following resolution:

Whereas, it is suitable and proper for a people, in whom resides the supreme power, at all times to make known their will, and instruct their servants and representatives; and whereas Congress and the Executive disagree as to the charter of a national bank or fiscal corporation: Be it, therefore,

*Resolved*, That our Senators in Congress be instructed, and our Representatives requested to use their influence to prevent the charter of a national bank.

Which was read, and

Mr. Blodgett moved that the same be indefinitely postponed; and on this question,

The yeas and nays having been demanded by Mr. Bartlett, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Barrett, Bottum, Chipman, Clark, Crawford, Dean, Eaton of Franklin, French, Gilson, Howe, Palmer, Russell, Sowles and Wheelock—14.

Those Senators who voted in the negative, are:

Messrs. Bartlett, Blodgett, Fisk, Hatch, Hemenway, Sheldon, and Wooster—7.

So the resolution was postponed indefinitely.

(S. 18.) The Senate took up the bill made the order of the day, entitled "an act to provide for the receipt of the proceeds of the sales of the public lands," together with the amendment proposed by Mr. Dana.

Mr. Bartlett moved to amend the amendment, by striking out the same, and inserting the following :

"Sec. 2. Such money, when received, shall be distributed to the several towns in this state, according to their respective populations, under the census of 1840, till otherwise ordered ; and the receipts of the several treasurers of said towns for their proportions of said money, shall be sufficient vouchers to the Treasurer of this state, for the distribution of said money.

And, on this question, demanded the yeas and nays, which were as follows :

Those Senators who voted in the affirmative, are :

Messrs. Bartlett, Blodgett, Hatch and Hemenway—4.

Those Senators who voted in the negative, are :

Messrs. Barrett, Bottum, Chipman, Clark, Crawford, Dana, Dean, Eaton of Franklin, Fisk, French, Gilson, Howe, Norton, Palmer, Russell, Sheldon, Sowles, Wheelock and Wooster—19.

So the Senate refused to adopt the amendment.

Mr. Hatch moved to recommit the bill and proposed amendment, to the committee on Finance, with specific instructions further to amend the bill by "providing for the distribution of the state school fund among the several towns in the state in the ratio of their population as ascertained by the census of 1840, and subject to that portion of chapter 18 of the Revised Statutes which relates to the division of surplus money, so far as, in the opinion of the committee, the same is applicable: The first distribution to be made as soon as there shall be \$25,000 of said school fund not in use by the state, and as often thereafter as there shall be \$25,000 not so in use, till the whole amount of said fund shall be divided. All acts or parts of acts, contravening the provisions of the proposed amendment, to be repealed."

The Senate refused to adopt the motion to re-commit.

The question being on the adoption of the amendment of Mr. Dana, which is as follows :

"Sec. 2. So much of said money, to be hereafter received, as shall not be otherwise appropriated, the treasurer is hereby authorized to apply to the payment of the state debt."

The yeas and nays having been demanded by Mr. Dana, were as follows :

Those Senators who voted in the affirmative, are :

Messrs. Barrett, Blodgett, Bottum, Chipman, Clark, Crawford, Dana, Dean, Eaton of Franklin, Fisk, French, Hatch, Howe, Norton, Palmer, Russell, Sheldon, Sowles, Wheelock and Wooster—20.

Those who voted in the negative, are :

Messrs. Bartlett and Hemenway—2.

So the amendment was adopted.

And the bill, as amended, was

*Ordered* to be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT: The House have passed a bill (H. 1.) entitled "an act to pay Ziba B. Nichols the sum therein mentioned," in which they request the concurrence of the Senate.

The Governor has announced to the House of Representatives that he has, this day, approved and signed bills of the following titles :

(H. 39.) "An act in addition to chapter 65, section 45, of the Revised Statutes."

(H. 15.) "An act establishing the line between the towns of Cavendish and Baltimore."

(H. 44.) "An act annexing part of the towns of Fairfax and Fletcher to the town of Cambridge."

(H. 3.) "An act in alteration of the 34d chapter of the Revised Statutes."

(H. 36.) "An act reviving an act laying a tax on lands in Jay."

(H. 20.) "An act in addition to chapter 74 of the Revised Statutes," and

(H. 25.) "An act to pay Abel Drury the sum therein mentioned."

A message from his Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT: His Excellency, the Governor, has this day approved and signed the following bills:

(S. 1.) "An act altering the name of the Vermont Academy of Medicine."

(S. 15.) "An act authorizing the Treasurer to settle the concerns of the Vermont State Bank," and

(S. 8.) "An act to provide for the union of school districts."

On motion of Mr. Palmer, it was

*Ordered*, That the President appoint senators to supply the vacancies in the committee on Manufactures, and the committee on banks, occasioned by the absence of Messrs. Fletcher and Swift.

(H. 1.) The Senate took up the bill from the House of Representatives entitled "an act to pay Ziba B. Nichols the sum therein mentioned," and it was

Read twice, and referred to the committee on Claims.

(H. 37.) On motion of Mr. Wooster, the Senate resumed consideration of the bill from the House of Representatives entitled "an act for the appointment of commissioners to take depositions and acknowledgments of deeds in Canada," and it was

Read the third time and passed in concurrence.

Mr. Blodgett called up the resolution relative to the apportionment of senators, and it was passed.

Mr. Dana called up the documents accompanying the communication of the clerk of the District Court of the U. S., and, on his motion, it was

*Ordered*, That the Secretary be directed to procure the printing of 300 copies of the same, for the use of the Senate.

On motion of Mr. Palmer,  
The Senate adjourned.

## AFTERNOON.

The President announced the appointment of Mr. Stevens as one of the committee on Manufactures, to supply the place of Mr. Aiken; of Messrs. Wheelock and Sowles to the committee on Banks, to supply the places of Messrs. Swift and Fletcher; and of Mr. Hemenway to the committee on Bills, to supply the place of Mr. Aiken; and also of Messrs. Blodgett, Dillingham and Wooster, as the special committee on the resolution relative to the apportionment of Senators.

(H. 73.) Mr. Wooster, from the committee on the Judiciary, to whom was referred the bill from the House of Representatives, entitled "an act in relation to crimes and punishments," reported the same without amendment, and it was

Read the third time and passed in concurrence.

Mr. Sheldon, from the select committee, to whom were referred the resolutions from the legislatures of the states of Maine and New-Hampshire, relating to the north eastern boundary, made the following report:

The select committee to whom were referred certain resolutions from the state of Maine, and a report and resolutions from the state of New-Hampshire, upon the subject of the north eastern boundary, have had the same under consideration, and beg leave respectfully, to

## REPORT:

That we deem it unnecessary at this day, with all the information there is on this subject, before the people of Vermont, to enter into a history of the dispute between the government of the United States and Great Britain concerning the north eastern boundary. In the opinion of your committee there is no evidence that the government of Great Britain has the least shadow of a title to any part of the, so called, "disputed territory." Indeed, it is believed that from 1783 to 1814—a period of thirty years—our title was unquestioned by the British government. During the conferences of Ghent at the latter period, they began to think that in case of a war with the United States, or a rebellion in the North American Provinces, it would be very convenient for them to have a direct communication through the territory for the march of their armies from Halifax to Quebec. Then it was, that the first intimation of any claim to this territory was made known—a claim, in the opinion of your committee, as unprecedented as it was unjust. On this question it is believed the United States are plainly in the right, and the British government as plainly in the wrong. Your committee, therefore, beg leave to recommend the adoption of the following resolutions:

*Resolved*, by the Senate and House of Representatives, That we heartily respond to the sentiments contained in the resolutions from the states of Maine and New-Hampshire, above referred to.

*Resolved*, by the Senate and House of Representatives, That it is the duty of the General Government to prosecute the settlement of the north eastern boundary question without any unnecessary delay.

*Resolved*, by the Senate and House of Representatives, That whilst we deprecate a war with Great Britain as the greatest of national evils, and to be resorted to only in case of stern necessity, and whilst we recommend to the government of the United States a conciliatory, yet firm and decided course on this subject, yet if all other means fail, we pledge ourselves to sustain the authorities of the Union in maintaining their rights, with all the resources in our power.

*Resolved*, By the Senate and House of Representatives, That his Excellency the Governor be, and hereby is requested, to transmit a copy of the foregoing report and resolutions to the governors of the states of Maine and New-Hampshire.

HENRY SHELDON, for committee.

Which report was adopted, and the resolutions passed.

(S. 11.) Mr. Clark, from the committee on Claims, to whom was referred the bill entitled "an act directing the treasurer to pay Rufus Campbell the sum therein mentioned," reported the same, without amendment, with the recommendation that the blank therein be filled by the words "one hundred and six dollars," and, on motion, it was,

*Ordered* to be laid upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT,—The House of Representatives concur with the Senate in passing certain resolutions relating to slavery and the right of petition, with proposals of amendment, in which they request the concurrence of the Senate; and in passing bills of the following titles:

(S. 13.) "An act directing the Secretary of State to furnish certain public documents for the use of the New York Historical Society," and

(S. 24.) "An act authorizing the Secretary of State to subscribe for Thompson's Gazetteer."

The following communication was received from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

*To the Senate:*

It becomes my melancholy duty to inform the Senate that John Starkweather, Esq. who was recently elected sheriff of Washington county, departed this life this morning.

CHARLES PAINE.

Executive Chamber, }  
Nov. 1, 1841. }

(S. 31.) Mr. Bartlett introduced a bill entitled "an act to pay Leander W. Fenton the sum therein mentioned," which was read the first and second times, and referred to the committee on Claims.

(H. 59.) Mr. Wooster, from the committee on Land Taxes, to whom was referred the bill from the House of Representatives, entitled "an act laying a tax on the lands in Holland," and a bill (H. 52) entitled "an act laying a tax on the lands in Goshen," reported the same without amendment, and they were severally read the third time and passed.

Mr. Wooster, from the committee on the Judiciary, to whom was referred a certain resolution relative to extending the time for granting new trials, reported adversely to any action thereon.

(S. 18.) The engrossed bill entitled "an act to provide for the receipt

of the proceeds of the sales of the public lands," was taken up, read the third time and passed.

The Senate took up the amendments proposed by the House to the resolutions relating to slavery and the right of petition, and concurred therein.

(H. 65.) Mr. French, from the committee on the Judiciary, to whom was referred the bill from the House of Representatives, entitled "an act relating to bail in criminal cases," reported the same without amendment, and it was read the third time and passed.

Mr. Hatch introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That both houses meet in joint Assembly on Friday next, at 3 o'clock afternoon, for the purpose of electing a chaplain to the Vermont State Prison.

Which was read and passed.

Mr. Palmer introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That John A. Pratt of Windsor, Shubael Wardner of Windsor, and Stephen Prentiss of Weathersfield, be and they are hereby appointed a committee, whose duty it shall be to repair to the state prison and take an inventory of all the property in and about said prison, belonging to this state, and the same appraise at its just and true value in money, and return said inventory to the Governor of this state, on or before the second Thursday of October next, signed by them, and sworn to before some magistrate.

Which resolution was read, and adopted.

(S. 28.) Mr. Wooster, from the committee on the Judiciary, to whom was referred the bill entitled "an act in alteration of chapter 107 of the Revised Statutes," reported the same; and the question, Shall the bill be read the third time? was decided in the negative.

A message was received from the Governor, by Mr. Hale, Secretary of Civil and Military Affairs, announcing that his Excellency had approved and signed the bill (S. 10) entitled "an act in alteration of chapter 104 of the Revised Statutes."

(S. 22.) Mr. Dillingham, from the committee on the Judiciary, to whom was referred the bill entitled "an act to define the rights of freemen," reported adversely to the passage of the same, and as a substitute therefor reported the bill (S. 32) entitled "an act in addition to chapter 1 of the Revised Statutes," which was read twice, and laid on the table.

(S. 22.) On the question, Shall the bill entitled "an act to define the rights of freemen," be ordered to be engrossed and read the third time? it was decided in the negative.

So the third reading was denied.

(S. 33.) Mr. Crawford, from the committee on Military Affairs, reported a bill entitled "an act in addition to the several acts regulating and governing the militia of this state," which was read the first and second times, and ordered to lie on the table.

Mr. French, from the committee on the Judiciary, to whom was referred a resolution relating to exempting a certain quantity of charcoal from attachment, reported, as the opinion of the committee, that no action was necessary thereon.



Mr. Eaton of Franklin, from the committee on Education, to whom was referred a communication from the New York Institute for the blind, reported that no action was, in the opinion of the committee, necessary in relation thereto.

Mr. Wooster introduced the following resolution:

*Resolved*, That the Auditor of Accounts against the State be requested to report to the Senate the amount allowed by him against the state, for military services rendered during the past year.

Which resolution was read and adopted.

Mr. Blodgett asked to be excused from serving on the select committee appointed to report an apportionment of senators, and

He was so excused.

The chair appointed Mr. Eaton of Franklin to supply the place of Mr. Blodgett on said committee.

(H. 45.) Mr. Bottum, from the committee on Roads and Canals, to whom was referred the bill entitled "an act relating to the construction of a bridge from South Hero to Milton," reported the same, without amendment, and it was read the third time and passed.

On motion of Mr. Bartlett,

The Senate adjourned.

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TUESDAY, NOV. 1, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

Mr. Wooster introduced the following resolution:

*Resolved*, That the committee on Education be instructed to inquire into the expediency of appointing a committee on education for the state, whose duty it shall be to inquire into the condition of our colleges, academies and common schools, and the state of their funds, and to correspond with intelligent and literary gentlemen of other states, for the purpose of engrafting upon our own system of education, such improvements as have been or are making upon the subject, and to report the result of their inquiries at each annual session of the legislature.

Which resolution was read and adopted.

(H. 18.) Mr. Bottum, from the committee on Roads and Canals, to whom was referred the bill entitled "an act to incorporate the Readsboro' and Woodford Turnpike company," reported the same, without amendment, and on the question, Shall the bill be read the third time?

The yeas and nays having been demanded by Mr. Dillingham, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Bottum, Clark, Dana, Norton, Palmer, Russell, Stevens and Wheelock—8.

Those Senators who voted in the negative, are :

Messrs. Barrett, Bartlett, Blodgett, Chipman, Crawford, Dean, Dillingham, Eaton of Franklin, Eaton of Washington, Fisk, Hatch, Hemenway, Howe, Sowles, Wooster—15.

So the third reading was denied.

Mr. Crawford, from the committee on Military Affairs, reported the following resolution :

*Resolved*, by the Senate and House of Representatives, That our Senators in Congress, be and they hereby are instructed, and our representatives requested to exert their influence in favor of a law of Congress requiring the training and disciplining of the militia from the age of twenty-one to thirty-three years of age only, in time of peace.

Mr. Dillingham moved to amend said resolution by striking out all after the word "Resolved," and inserting the following :

"That the committee on Military Affairs be instructed to report a bill, which shall contain a provision exempting from the trainings and musters required by law, that portion of the enrolled militia of this state under twenty one, and over thirty-three years of age.

Which amendment was adopted, and the resolution, as amended, was

On motion of Mr. Bartlett,

*Ordered* to lie on the table.

(S. 34.) Mr. Dana introduced a bill entitled "an act to provide for the distribution of the school fund," which was read twice, and referred to the committee on Education.

(S. 31.) Mr. Clark, from the committee on Claims, to whom was referred the bill entitled "an act to pay Leander W. Fenton the sum therein mentioned," reported adversely to the passage thereof, and the same was indefinitely postponed.

Mr. Eaton of Franklin presented the memorial of the University of Vermont, which was read and referred to the committee on Education.

On motion of Mr. Clark,

The Senate adjourned.

#### AFTERNOON.

(H. 60.) Mr. Howe, from the committee on Land Taxes, to whom were referred the bill from the House of Representatives, entitled "an act laying a tax on the lands in Salem," and the bill (H. 55) from the House of Representatives, entitled "an act laying a tax on the lands in Avery's Gore," in the county of Franklin, reported the same, without amendment, and they were severally read the third time, and passed in concurrence.

(H. 35.) Mr. Bottum, from the committee on Roads and Canals, to whom was referred the bill from the House of Representatives, entitled "an act in addition to chapter 21 of the Revised Statutes," reported the same, without amendment, and it was

Read the third time, and,

On motion of Mr. Hatch,

*Ordered* to be laid upon the table.

The Senate resumed consideration of the resolutions relating to a-

mending the constitution of the United States so as to restrict the eligibility of the President.

The question being on the adoption of the amendment proposed by Mr. Wooster making the term of the Presidential office to a single term "of six years' duration," the same was withdrawn by the mover.

The question recurring on the adoption of the resolution,

The yeas and nays, having been demanded by Mr. Dillingham, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Barrett, Bottum, Chipman, Clark, Crawford, Dana, Dean, Eaton of Franklin, French, Gilson, Howe, Norton, Palmer, Russell, Sowles and Wheelock—16.

Those Senators who voted in the negative, are:

Messrs. Bartlett, Blodgett, Dillingham, Eaton of Washington, Hatch, Hemenway, Stevens and Wooster—8.

So the resolution was adopted.

The President laid before the Senate the following communication from the Auditor of Accounts:

AUDITOR'S OFFICE, Montpelier, }  
November 2, 1841.

HON. WAITSTILL R. RANNEY, President of the Senate:

SIR:—In compliance with a resolution of the Senate, past on the 1st and communicated on the 2d inst, "That the Auditor of Accounts be requested to report to the Senate, the amount allowed by him against the state for military service rendered during the past year," the Auditor would respectfully

#### REPORT:

That the amount allowed by him for military service, rendered since the second day of November, 1840, to the 2d day of November, 1841, is one thousand six hundred and twenty eight 68-100 dollars.

I have the honor to be, very respectfully,

Your obedient and humble serv't.

DAVID PIERCE, Auditor of Accounts.

Which was read, and referred to the committee on Military Affairs.

(S. 29.) Mr. Palmer, from the committee on Manufactures, to whom was referred the bill entitled "an act in alteration of chapter 68 of the Revised Statutes," reported the same, with the opinion of the committee, that it ought not to pass.

And, on motion of Mr. Blodgett, it was

Ordered to be laid upon the table.

(S. 35.) Mr. French introduced a bill entitled "an act in alteration of chapter 43 of the Revised Statutes," and it was read twice, and referred to the committee on the Judiciary.

Mr. Bottum called up the resolution relative to the adjournment of the General Assembly, and moved to amend the same by striking out "Thursday" and inserting "Tuesday," which amendment was adopted. And on the question, Shall the resolution pass?

The yeas and nays having been demanded by Mr. Dana, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Barrett, Bartlett, Blodgett, Bottum, Chipman, Dana, Dean,

French, Hatch, Hemenway, Norton, Palmer, Russell, Sowles and Wheelock—15.

Those Senators who voted in the negative, are:

Messrs. Crawford, Dillingham, Eaton of Franklin, Eaton of Washington, Gilson, Stevens, and Wooster—7.

So the resolution was adopted.

(S. 30.) Mr. Crawford, from the committee on Military Affairs, to whom was referred the bill entitled "an act relating to the militia of this state," reported adversely to the passage of the same.

And, on motion of Mr. Wooster, it was

*Ordered* to lie on the table.

On motion of Mr. Palmer,  
The Senate adjourned.

WEDNESDAY, Nov. 3, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

Mr. Eaton of Washington, from the special committee, to whom were referred the petition of Norris Day and others, and of the inhabitants of East Bethel and vicinity, and the memorial of the Ferrisburgh Quarterly meeting, praying for the abolishment of capital punishment, reported a bill (S. 36,) entitled "an act to abolish capital punishment."

Which was read twice, and

*Ordered* to be laid upon the table.

On motion of Mr. Crawford, so much of the 31st rule as prohibits any action upon a bill that has gone out of the possession of the Senate, was suspended, and it was

(H. 18.) *Ordered*, That a message be sent to the House requesting that the bill entitled "an act to incorporate the Readsboro' and Woodford Turnpike Company," which was yesterday sent to the House with the nonconcurrence of the Senate, may be returned to the Senate.

(S. 20.) Mr. Wooster called up the bill entitled "an act providing for a Geological survey of the state," and, on his motion, it was

*Ordered* to be recommitted to the committee on Agriculture for amendment.

Mr. Bartlett called up the resolution reported by the committee on Military Affairs, and amended on motion of Mr. Dillingham, as stated on the Journal of yesterday, and it was passed.

(H. 35.) On motion of Mr. Hatch, the Senate took up the bill from the House of Representatives entitled "an act in addition to chapter 21 of the Revised Statutes," and it was

Read the third time and passed, in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT: I am directed to return to the Senate, in conformity with their request, the bill entitled "an act to incorporate the Readsboro' and Woodford Turnpike Company."

(H. 77.) The House have passed a bill entitled "an act fixing the time when public acts shall take effect," and a resolution providing for a county convention, and a joint assembly, to nominate and elect a sheriff for the county of Washington in place of John Starkweather, deceased, in which they request the concurrence of the Senate.

(H. 18.) Mr. Crawford moved that the Senate do reconsider the vote by which the third reading was denied, on the bill from the House of Representatives entitled "an act to incorporate the Readsboro' and Woodford Turnpike Company."

Mr. Dillingham moved that the said motion to reconsider be laid upon the table;

And it was so ordered.

A resolution from the House of Representatives, was taken up and read, as follows:

*Resolved*, by the Senate and House of Representatives, That the members of Washington county meet in county convention on the 4th instant, at seven o'clock in the evening, for the purpose of nominating a sheriff in the place of John Starkweather, deceased; and that both houses meet in joint assembly, on Friday next, at 3 o'clock in the afternoon, for the purpose of confirming such nomination.

And the resolution was passed, in concurrence.

(S. 11.) The Senate resumed consideration of the bill on the table, entitled "an act directing the treasurer to pay Rufus Campbell the sum therein mentioned."

Mr. Dillingham moved to recommit the same to the committee on Claims, with instructions to report to the Senate the amount of interest due to the said Campbell.

The Senate refused to re-commit.

It was thereupon,

*Ordered*, That the blank in said bill be filled, as recommended by the committee, by inserting the words "one hundred and fifty six dollars," and

On the question, Shall the bill be engrossed and read the third time?

The yeas and nays having been demanded by Mr. Sowles, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Barrett, Bartlett, Blodgett, Bottum, Chipman, Clark, Crawford, Dana, Dean, Eaton of Franklin, Fisk, Gilson, Palmer, Sabin, Wheelock, and Wooster,—16.

Those Senators who voted in the negative, are:

Messrs. Dillingham, Eaton of Washington, French, Hatch, Hemenway, Norton, Russell, Sowles, and Stevens—9.

So the bill was

*Ordered* to be engrossed and read the third time, and it was

*Ordered* to be read the third time to-morrow morning.

Mr. Fisk introduced the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending chapter 1 of the Revised Statutes, as more particularly to define the time and manner of taking depositions to be used in contested elections, in the Senate.

Which resolution was read and passed.

Mr. Chipman, from the committee on Agriculture, to whom was recommended the bill (S. 20) entitled "an act providing for a Geological survey of the state," reported the same, with the following proposed amendment: To strike out the whole of section 4 and insert in lieu thereof the following:

"Section 4. The sum of two thousand dollars is hereby appropriated, for the purpose of carrying into effect the provisions of this act:

*Provided*, That such appropriation shall be made from the proceeds of the sales of the public lands; and that this act shall not take effect until the first instalment of said proceeds shall have been paid to this state."

Mr. Hatch moved to amend the said proposed amendment, by adding thereto, the following:

"And until one hundred thousand dollars shall have been paid towards discharging the state debt," and on this motion, demanded the yeas and nays, which were as follows.

Those Senators who voted in the affirmative, are:

Messrs. Bartlett, Blodgett, Eaton of Washington, Hatch and Hemenway—5.

Those Senators who voted in the negative, are:

Messrs. Barrett, Bottum, Chipman, Clark, Crawford, Dana, Dean, Dillingham, Eaton of Franklin, French, Gilson, Howe, Norton, Palmer, Russell, Sabin, Sowles, Stevens, Wheelock and Wooster—20.

So the amendment to the amendment was rejected.

And the bill was

*Ordered* to be engrossed, and read the third time to-morrow morning.

(H. 77.) The Senate took up the bill from the House of Representatives entitled "an act fixing the time when public acts shall take effect," and it was

Read the first and second times, and

Referred to the committee on the Judiciary.

On motion of Mr. Sabin,

The Senate adjourned.

#### AFTERNOON,

(H. 77.) Mr. Wooster, from the committee on the Judiciary, to whom was referred the bill from the House of Representatives, entitled "an act fixing the time when the public acts shall take effect," reported the same, with a proposal to amend the same by striking out the word "December,"

and inserting the word "January," instead thereof, which amendment was adopted, and the bill as amended, was read the third time and laid on the table.

Mr. Wheelock, from the committee on Bills, submitted the following report :

The committee on Bills report, that they have this day delivered to the Governor, for his approval and signature, bills of the following titles, viz :

- (H. 6.) "An act in addition to chapter 28 of the Revised Statutes,"
- (H. 10.) "An act for the relief of the insane poor,"
- (H. 59.) "An act laying a tax on the lands in Holland,"
- (H. 37.) "An act for the appointment of commissioners to take depositions and acknowledgments of deeds in Canada,"
- (H. 73.) "An act in relation to crimes and punishments,"
- (H. 14.) "An act altering the name of the town of Coventry,"
- (H. 62.) "An act to repeal a part of chapter 90 of the Revised Statutes,"
- (H. 65.) "An act relating to bail in criminal cases,"
- (H. 75.) "An act in addition to an act forming a religious society in Pawlet,"
- (H. 45.) "An act relating to the construction of a bridge from South Hero to Milton,"
- (H. 52.) "An act laying a tax on the lands in Goshen."
- (H. 21.) "An act to alter the name of Jane Church and make her heir at law of Martin and Avalina Armstrong,"
- (S. 24.) "An act authorizing the Secretary of State to subscribe for Thompson's Gazetteer,"
- (S. 13.) "An act directing the Secretary of State to furnish certain public documents for the use of the New York Historical Society."

(S. 37.) Mr. Crawford, from the committee on Military Affairs, reported a bill entitled "an act in alteration of an act entitled an act regulating and governing the militia of this state, and of several acts in addition thereto," in obedience to a resolution of the Senate.

Which was read twice.

Mr. Crawford proposed an amendment to the said bill, and on his motion, the bill and amendment, were laid on the table,

A message from the House of Representatives by Mr. Merrill, their Clerk :

MR. PRESIDENT : The House of Representatives have passed resolutions relating to a tariff of duties, and a resolution providing for the appointment of a state committee of education,

In which they request the concurrence of the Senate.

The House concur with the Senate in passing a resolution providing for the election of a chaplain of the Vermont State Prison.

The Senate took up the resolution from the House of Representatives providing for the appointment of a state committee on education, which is as follows :

*Resolved*, By the Senate and House of Representatives, That the governor be requested to appoint a committee of three to prepare and make a report to the next session of the legislature, of such plan or plans as may be most expedient and judicious, to carry into practical effect the views and suggestions contained in the report of the committee on Education to the present legislature,

And the resolution was passed in concurrence.

The resolutions from the House of Representatives relative to a tariff of duties were taken up, read, and on motion of Mr. French, the same were laid on the table.

(H. 18.) Mr. Sheldon called up the bill from the House of Representatives entitled "an act to incorporate the Readsboro and Woodford Turnpike Company," and, on his motion, the Senate reconsidered the vote of yesterday refusing a third reading of said bill.

On the question, Shall the bill be read the third time?

The yeas and nays having been demanded by Mr. Dana, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Barrett, Blodgett, Bottum, Chipman, Clark, Crawford, Dana, Dean, Eaton of Franklin, Eaton of Washington, French, Gilson, Hemenway, Howe, Norton, Palmer, Russell, Sabin, Sheldon, Stevens, Wheelock, and Wooster—22.

Those Senators who voted in the negative, are:

Messrs. Bartlett, Dillingham, Hatch, and Sowles—4.

So the question was decided in the affirmative, and

The bill was read the third time, and passed in concurrence:

Mr. Eaton of Franklin, from the select committee to whom was referred the resolution relative to revolutionary pay rolls, reported, as the opinion of the committee, that the said resolution ought to pass, and it was accordingly passed.

(S. 29.) The Senate took up the bill entitled "an act in alteration of chapter 68 of the Revised Statutes," and it was read the third time, and on motion of Mr. Clark, it was indefinitely postponed.

(S. 32.) The bill entitled "an act in addition to chapter 1 of the Revised Statutes" was read the third time, and

Mr. Sowles moved to amend the same by striking out the words "one whole year," and inserting the words "six months," in the fourth line from the end.

Which amendment was rejected:

On motion of Mr. Norton, the bill was indefinitely postponed.

Mr. French called up the resolutions relative to a protective tariff, and the yeas and nays on the passage thereof having been demanded by Mr. Hatch, were as follows:

Those Senators who voted in the affirmative are,

Messrs. Barrett, Bartlett, Blodgett, Bottum, Chipman, Clark, Crawford, Dana, Dean, Eaton of Franklin, Eaton of Washington, Fisk, French, Gilson, Hatch, Hemenway, Howe, Norton, Palmer, Russell, Sabin, Sheldon, Sowles, Stevens, Wheelock, and Wooster—26:

And no Senator having voted in the negative, the said resolutions were unanimously adopted.

(S. 30.) Mr. Crawford called up the bill entitled "an act relating to the militia of the State," and it was indefinitely postponed.

(S. 5.) Mr. Crawford called up the bill entitled "an act to repeal part of an act therein named," and it was, on motion of Mr. Bartlett, indefinitely postponed.

The Senate adjourned.



THURSDAY, NOV. 4, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

Mr. Fisk, from the committee on Elections, to whom were referred the memorial of Moody Rich, the memorial of James Towle and others, and the memorial of George E. Holmes and others, submitted a report and resolutions, which,

On motion of Mr. Clark, were laid on the table, and on motion of Mr. Dana, made the order of the day for to-morrow morning.

Mr. Chipman asked leave of absence from and after tomorrow morning, which was granted.

(S. 20.) The Senate took up the bill entitled "an act providing for a geological survey of the State," which was read the third time and passed.

(S. 11.) The bill entitled "an act to pay Rufus Campbell the sum therein mentioned" being the order of the day, was taken up, considered, and on motion of Mr. Wooster, laid on the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk.

MR. PRESIDENT:—The House of Representatives concur with the Senate in the passage of resolutions, relating to fixing a uniform day throughout the Union, for electing Electors of President and Vice President.

(H. 81.) The House have passed a bill entitled "an act in amendment of an act entitled an act in relation to highways," in which they request the concurrence of the Senate.

(H. 81.) The said bill from the House of Representatives was read twice, and referred to the committee on Roads and Canals.

(H. 77.) Mr. Wooster called up the bill entitled "an act fixing the time when public acts shall take effect," and it was passed in concurrence.

(S. 35.) Mr. French, from the committee on the Judiciary, to whom was referred the bill entitled "an act in alteration of chapter 43 of the Revised Statutes," reported the same without amendment, and it was *Ordered*, To be engrossed and read the third time.

(S. 36.) Mr. Eaton of Washington called up the bill entitled "an act to abolish capital punishment."

And on the question, Shall the bill be engrossed and read the third time? the yeas and nays having been demanded by that Senator, were as follows:

Those Senators who voted in the affirmative are,

Messrs. Blodgett, Dillingham, Eaton of Washington, and Sabin—4.

Those Senators who voted in the negative are,

Messrs. Barrett, Bartlett, Bottum, Crawford, Dana, Dean, Eaton of Franklin, Fisk, Hatch, Howe, Norton, Palmer, Russell, Sheldon, Sowles, Stevens, Wheelock, and Wooster—18.

So the third reading was denied.

(S. 11.) Mr. Dillingham called up the bill entitled "an act to pay Rufus Campbell the sum therein mentioned."

And on the question, Shall the bill pass? the yeas and nays, having been demanded by Mr. French, were as follows:

Those Senators who voted in the affirmative are

Messrs. Barrett, Blodgett, Dana, Fisk, Gilson, Palmer, Sabin, Wheelock, and Wooster—9.

Those Senators who voted in the negative are,

Messrs. Bottum, Chipman, Crawford, Dillingham, Eaton of Franklin, Eaton of Washington, French, Hatch, Hemenway, Norton, Russell, Sheldon, Sowles, and Stevens—14.

So the bill was lost.

The Senate adjourned.

#### AFTERNOON.

Mr. Crawford introduced the following resolution:

*Resolved*, That the committee on Banks be instructed to enquire if any, and what, legislative action is called for in relation to the Bank of Bennington; and that said committee have leave to sit during the sessions of the Senate.

Which was read and passed.

(H. 32.) Mr. Clark, from the committee on Claims, to whom was referred the bill from the House of Representatives entitled "an act to pay Henry S. Morse and others the sum therein mentioned," reported the same without amendment.

Mr. Dana moved to recommit the bill to the committee on Claims, with instructions to report the amount of expense incurred by the individuals taking benefit by the bill, under the direction of the State's Attorney.

And it was so ordered.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—I am directed to communicate to the Senate sundry documents, which have, heretofore, been transmitted to the House, for the use of the General Assembly.

The said documents were severally referred as follows:

The report of the committee appointed to settle with the Superintendent of the State Prison, and the report of the Superintendent of the State Prison, to the committee on Finance.

The Adjutant General's report, and the return of the Adjutant and Inspector General, to the committee on Military Affairs.

The Bank Commissioner's report, to the committee on Banks.

The report of the Auditor in the Treasury Department, the Auditor's report, the Treasurer's Safety Fund report, the Auditor's Abstract, and the report of the Auditor upon the School Fund, to the committee on Finance.

A message from his Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT: I am directed to inform the Senate that his Excellency, the Governor, did, on the 3d instant, approve and sign bills of the following titles, viz:

(S. 13.) "An act directing the Secretary of State to furnish certain public documents for the use of the New York Historical Society."

(S. 24.) "An act authorizing the Secretary of State to subscribe for Thompson's Gazetteer."

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House concur with the Senate in passing the resolutions relative to the North Eastern Boundary, with proposals of amendment, in which they request the concurrence of the Senate.

(H. 77.) The House concur with the Senate in their proposed amendment to the bill entitled "an act fixing the time when public acts shall take effect."

(H. 30.) They have, also, passed a bill entitled "an act for surveying and ascertaining the boundary line between the counties of Bennington and Windham," in which they request the concurrence of the Senate.

His Excellency the Governor has announced to the House, that he did, on the third instant, approve and sign bills of the following titles:

(H. 6.) "An act in addition to chapter 28 of the Revised Statutes."

(H. 10.) "An act for the relief of the insane poor."

(H. 14.) "An act altering the name of the town of Coventry."

(H. 21.) "An act to alter the name of Jane Church and make her heir at law of Martin and Avalina Armstrong."

(H. 37.) "An act for the appointment of Commissioners to take depositions and acknowledgements of deeds in Canada."

(H. 45.) "An act relating to the construction of a bridge from South Hero to Milton."

(H. 52.) "An act laying a tax on the lands in Goshen."

(H. 59.) "An act laying a tax on the lands in Holland."

(H. 62.) "An act to repeal a part of chapter 90 of the Revised Statutes."

(H. 65.) "An act relating to bail in criminal cases."

(H. 73.) "An act in relation to crimes and punishments."

(H. 75.) "An act in addition to an act forming a religious society in Pawlet."

(H. 37.) Mr. Crawford called up the bill entitled "an act in alteration of an act entitled 'an act regulating and governing the militia of this State,' and of several acts in addition thereto," and on his demand, the Senate considered the said bill as in committee of the Whole; and having made progress therein, the committee rose and reported the same to the Senate, and asked leave to sit again tomorrow afternoon.

The Senate granted the leave asked.

On motion of Mr. Sowles,  
The Senate adjourned.

FRIDAY, NOV. 5, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

Mr. Hatch, from the committee on Banks, to whom was referred the resolution, relative to the Bank of Bennington, reported the following resolution:

*Resolved*, by the Senate and House of Representatives, That the Bank Commissioner be authorized and directed to make application, without delay, to the Court of Chancery, to appoint one, or more, persons, to be receivers of and for the Bank of Bennington, agreeably to the provisions of section 18 of chapter 79 of the Revised Statutes.

Which resolution was read and passed.

(H. 30.) A bill from the House of Representatives entitled "an act for surveying and ascertaining the boundary line between the counties of Bennington and Windham" was taken up, read twice, and referred to the Senators from Bennington and Windham counties, to consider and report.

The Senate considered the amendments proposed by the House to the resolutions relative to the North Eastern Boundary, which are as follows:

In the third resolution, to strike out the words "the greatest of," and insert the words "a great;" to strike out the letter "s" from the word "evils," and to strike out the words "all other means," and insert the words "such course;" and to add to the fourth resolution the words "and to each of our Senators and Representatives in Congress."

Which proposed amendments were adopted in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House have passed a bill (H. 88) entitled "an act in addition to chapter 79 of the Revised Statutes," in which they request the concurrence of the Senate.

(H. 88.) The Senate took up the bill from the House of Representatives entitled "an act in addition to chapter 79 of the Revised Statutes," and it was read twice, and referred to the committee on the Judiciary.

The Senate took up the report and resolutions from the committee on Elections, relative to the right of the Hon. Mr. Howe to a seat in the Senate, which were made the order of the day for this morning.

Mr. Dana offered the following resolutions:

Whereas, a memorial has been presented to the Senate, signed by Moody Rich, in which the memorialist claims the seat of the Hon. Stephen Howe, the Senator from Essex County; and whereas it is not alleged by the said memorialist, nor does it appear in evidence, that any notice has been served on the said sitting member by the said Rich, or by any other person acting in his name, that the election of the said sitting member was to be contested by the said Moody Rich:—Therefore,

*Resolved*, That the Hon. Stephen Howe, the sitting member from the county of Essex, is entitled to a seat.

*Resolved*, That the memorial of the said Moody Rich, and all other memorials in relation to the claim of the said Moody Rich, to the seat now occupied by the said sitting member for the county of Essex, be dismissed.

The said resolutions were laid upon the table.

Mr. Clark moved that the report and resolutions of the committee on Elections, be laid on the table, and on that question, The yeas and nays having been demanded by Mr. Blodgett, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Barrett, Clark, Crawford, Dana, Dean, Eaton of Franklin, French, Gilson, Norton, Palmer, Russell and Wheelock,—12.

Those Senators who voted in the negative, are:

Messrs. Bartlett, Blodgett, Bottum, Dillingham, Eaton of Washington, Fisk, Hatch, Hemenway, Sabin, Sheldon, Sowles, Stevens and Wooster—13.

So the question was decided in the negative.

And pending the question on the adoption of the report and resolutions of the committee on Elections,

On motion of Mr. Hemenway,  
The Senate adjourned.

#### AFTERNOON.

(H. 88.) Mr. Dillingham, from the committee on the Judiciary, to whom was referred the bill from the House of Representatives entitled "an act in addition to chapter 79 of the Revised Statutes," reported the same, with a proposal to amend, by inserting in the first line of section 1, after the words, "shall expire," the words, "or shall have expired."

Which amendment was adopted, and

The bill, by unanimous consent, was read the third time and passed in concurrence.

Mr. Eaton of Franklin introduced the following resolution:

*Resolved*, That the Secretary of the Senate be directed to pay over to Daniel W. Aiken, late holding a seat in this body, as senator from Caledonia county, his debenture, from the commencement of the present session of the legislature, to the time when his seat was vacated in the Senate.

Which resolution was read and passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT: The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 79.) "An act to pay William A. Griswold the sum therein mentioned."

(H. 90.) "An act authorizing the Treasurer to borrow the sum therein mentioned."

(H. 91.) "An act assessing a tax for the support of government."

(H. 92.) "An act making appropriations for the support of government."

(H. 93.) "An act to pay Noble Lovely & Co. the sum therein mentioned."

H. 95.) "An act altering the names of certain persons," and

(H. 96.) "An act to pay Lyman & King the sum therein mentioned."

(H. 88.) The House concur with the Senate in their amendment to the bill entitled "an act in addition to chapter 79 of the Revised Statutes."

The House have passed a resolution directing the collection of the school fund, in which they request the concurrence of the Senate.

The Senate resumed consideration of the report and resolutions from the committee of Elections, declaring Mr. Howe not entitled to a seat in the Senate, and without taking any action on the same, they were continued as the order of the day.

Mr. Wheelock, from the committee on Bills, made the following report:

The committee on Bills report that they have, this day, delivered to the Governor for his approval and signature, a bill of the following title, viz.:

(H. 88.) "An act in addition to chapter 79 of the Revised Statutes."

E. WHEELOCK, for Committee.

The following bills from the House of Representatives, were taken up, read the first and second times, and severally referred, as follows:

(H. 79.) "An act to pay William A. Griswold the sum therein mentioned,"

(H. 96.) "An act to pay Lyman & King the sum therein mentioned,"

(H. 93.) "An act to pay Noble Lovely & Co: the sum therein mentioned," to the committee on Claims.

(H. 92.) "An act making appropriations for the support of government,"

(H. 91.) "An act assessing a tax for the support of government," and

(H. 90.) "An act authorizing the treasurer to borrow the sum therein mentioned," to the committee on Finance.

(H. 95.) "An act altering the names of certain persons," to the committee on the Judiciary.

(S. 11.) Mr. Eaton of Franklin moved to reconsider the vote taken yesterday on the final passage of the bill entitled "an act to pay Rufus Campbell the sum therein mentioned," and on his motion, the said motion to reconsider was laid on the table.

On motion of Mr. Wooster,  
The Senate adjourned.

SATURDAY, Nov. 6, 1841.

Prayer by the Chaplain.

The journal of yesterday was read,

(S. 38.) Mr. Blodgett, from the committee of the two houses, to whom was referred the resolution of inquiry into the condition of the State

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Library; certain documents from the committee on the Maryland State Library; also, resolutions from the General Assembly of Alabama, and, also, the memorial of Alexander Vattmare, soliciting the exchange of reports &c., reported a bill entitled "an act relating to the State Library," which was read twice, and,

*Ordered* to be engrossed and read the third time.

The Senate considered the following resolutions from the House of Representatives:

*Resolved*, by the Senate and House of Representatives, That the commissioner of the school fund be directed to collect the demands which are due from the several individuals to said fund; and, if any individual shall neglect, for the space of six months, to pay one fourth part of what he may be owing to said fund, and one fourth in every six months thereafter, until all is paid, it shall be the duty of said commissioner to enforce the collection of the same by due process of law.

*Resolved*, further, That the state treasurer be directed to pay all the debts against the state (except what is due to the school fund,) as soon as consistent; and to borrow from the school fund, whatever may be necessary for that purpose, and that no part of the school fund shall be re-loaned to individuals, while the state may be owing to individuals, or corporations.

Mr. Crawford moved to amend the same, by adding, after the first resolution, the following:

"Provided, nothing herein contained shall be construed to authorize the commissioner to delay the collection of any demand, if, thereby, the security may be impaired, or the final collection hazarded, or where there is any present doubt of the security."

And the amendment was adopted, and the resolutions, as amended, passed in concurrence.

A message from the House of Representatives by Mr. Merrill, their Clerk:

MR. PRESIDENT: The House concur with the Senate in passing bills of the following titles:

(S. 9.) "An act in addition to chapter 41st of the Revised Statutes," and  
(S. 19.) "An act to amend the 28th chapter of the Revised Statutes."

The House concur with the Senate in passing a resolution relating to the Bank of Bennington.

The House have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 97.) "An act in amendment of section 63 of chapter 28 of the Revised Statutes," and

(H. 98.) "An act laying a tax on lands in Charleston."

The Governor has announced to the House that he did, on the 5th inst., approve and sign a bill (H. 88) entitled "an act in alteration of chapter 79 of the Revised Statutes."

The Senate resumed the consideration of the unfinished business of yesterday, being the report and resolutions of the committee on Elections, relative to the right of the Hon. Stephen Howe, to a seat as a Senator from Essex, and before any question was taken thereon,

On motion of Mr. Dillingham,

The Senate adjourned.

## AFTERNOON.

(S. 35.) The Senate took up the engrossed bill entitled, "an act in alteration of chapter 43 of the Revised Statutes," and it was  
Read the third time and passed.

(H. 98.) A bill from the House of Representatives, entitled "an act laying a tax on the lands in Charleston," was taken up, read the first and second times, and referred to the committee on Land Taxes.

(H. 95.) Mr. Wooster, from the committee on the Judiciary, to whom was referred the bill from the House of Representatives, entitled "an act altering the names of certain persons," reported the same, without amendment, and it was read the third time, and passed in concurrence.

(H. 97.) The bill from the House of Representatives, entitled "an act in amendment of section 63 of chapter 28 of the Revised Statutes," was taken up by the Senate, read twice, and referred to the committee on the Judiciary.

Mr. Sowles, from the special committee, to whom was referred so much of the Governor's message as relates to the abduction of James W. Groghan, made a report, concluding with the recommendation that no legislation be had on the subject.

The Senate took up the unfinished business, it being the report and resolutions of the committee of Elections, relative to the right of Hon. Mr. Howe to a seat in the Senate.

And the questions being on the adoption of the said resolutions,

Mr. Dillingham demanded the yeas and nays.

The first resolution is as follows:

*Resolved*, That the Hon. Stephen Howe, now holding a seat in the Senate as a senator from the county of Essex, not having received a majority of the votes of the freemen of said county, is not entitled to his seat.

And on this resolution the yeas and nays were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Barrett, Bartlett, Blodgett, Crawford, Dillingham, Eaton of Washington, Fisk Hatch, Hemenway, Sabin, Sheldon, Sowles, Stevens, Wheelock and Wooster—15.

Those Senators who voted in the negative, are:

Messrs. Bottum, Clark, Dana, Dean, French, Gilson, Norton, Palmer, and Russell.—9.

So the resolution was passed.

The second resolution is as follows:

*Resolved*, That the Hon. Moody Rich, having received a majority of the votes of the freemen of the county of Essex, is entitled to a seat in the Senate as senator from said county.

And on this resolution, the yeas and nays were as follows

Those Senators who voted in the affirmative, are:



Messrs. Barrett, Bartlett, Blodgett, Crawford, Dillingham, Eaton of Washington, Fisk, Hatch, Hemenway, Sabin, Sheldon, Sowles, Stevens, Wheelock and Wooster—15.

Those Senators who voted in the negative, are :

Messrs. Bottum, Clark, Dana, Dean, French, Gilson, Norton, Palmer, and Russell—9.

So the resolution was adopted.

Whereupon the Hon. Moody Rich was introduced by Mr. Dillingham, the oath of office was administered by the Secretary, and he took his seat.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

**MR. PRESIDENT:**—The House have passed a resolution relating to the appointment of members of Congress to office, and a bill (H. 58) entitled "an act relating to the Grand List," in which they request the concurrence of the Senate.

The House concur with the Senate in their proposed amendment to the resolution directing the collection of the school fund.

The following message was received from his Excellency the Governor by Mr. Hale, Secretary of Civil and Military Affairs :

EXECUTIVE CHAMBER, }  
6th Nov. 1841. }

*To the Senate :*

I herewith transmit to the Senate, for the use of the General Assembly, certain documents which I have received from the Executive of Virginia, with a request that they should be laid before the Legislature of this state.

CHARLES PAINE.

The documents accompanying the Governor's special message were referred to the special committee raised on the resolutions from Alabama, Virginia and New Hampshire.

(H. 58.) The Senate took up the bill from the House of Representatives entitled "an act relating to the Grand List," and it was read the first time, and

*Ordered,* That 300 copies be printed under the direction of the Secretary, for the use of the Senate.

A resolution from the House of Representatives, as follows :

Whereas the appointment of members of Congress to office, under the General Government, during the time for which they are elected, is regarded as wrong in practice, and evil in its tendencies : therefore,

*Resolved,* by the Senate and House of Representatives, That our senators in congress be directed, and our representatives requested, to use their influence to prevent all such appointments :

Was read, and

*Ordered* to be laid upon the table.

Mr. Dillingham introduced the following resolution :

*Resolved,* That in making up the debentures of Senators, the Secretary be directed to make up the debenture of Hon. Stephen Howe, to this 6th day of November, 1841 ; and the debenture of the Hon. Moody Rich from the commencement of the present session of the legislature.

Which was read and passed.

(S. 36.) The Senate, as in committee of the whole, resumed consideration of the bill entitled "an act in alteration of an act entitled 'an act

regulating and governing the militia of this state,' and of several acts in addition thereto," and having made progress therein, rose and reported the same to the Senate, with amendment.

On motion of Mr. Eaton of Washington,  
The Senate adjourned.

MONDAY, NOV. 8, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

(H. 58.) The bill from the House of Representatives entitled "an act relating to the Grand List," was taken up, and referred to the committee on Finance.

(S. 38.) The engrossed bill entitled "an act relating to the State Library," was read the third time, and passed.

(H. 97.) Mr. Wooster, from the committee on the Judiciary, to whom was referred the bill from the House of Representatives entitled "an act in amendment of section 63 of chapter 28 of the Revised Statutes," reported the same without amendment, and it was read the third time, and passed in concurrence.

(S. 37.) On motion of Mr. Palmer, the Senate took up the bill entitled "an act in alteration of an act entitled 'an act regulating and governing the militia of this State,' and of several acts in addition thereto."

Mr. Clark moved to amend the same by striking out the first section.  
And it was so ordered.

Mr. Dana moved to commit the bill to a select committee of three, with instructions to report a bill embracing the provision of the amendments already adopted.

The motion was adopted, and

The President announced the appointment of Messrs. Crawford, Dillingham, and Clark, as such committee.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House concur with the Senate in passing the resolution fixing a day for the adjournment of the General Assembly with a proposal of amendment, in which they request the concurrence of the Senate.

(S. 17.) The House concur with the Senate in passing the bill entitled "an act directing the Treasurer to pay Thomas H. Fuller the sum therein mentioned."

Mr. Palmer called up the resolution from the House of Representatives relative to the appointment of members of Congress to office.

And the question being, Will the Senate concur with the House in passing the resolution? the yeas and nays, having been demanded by Mr. Dillingham, were as follows:

Those Senators who voted in the affirmative are,  
Messrs. Bartlett, Blodgett, Dillingham, Eaton of Washington, Hatch, Hemenway, Norton, Russell, Rich and Sheldon—10.

Those Senators who voted in the negative are,  
Messrs. Barrett, Bottum, Crawford, Dana, Dean, Eaton of Franklin, Fisk, Gilson, Palmer, Sabin, Sowles, Stevens, Wheelock, and Wooster—14.

Mr. Crawford introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That the Governor be authorized to appoint a committee of one, to revise the militia laws of this State, and report a bill to the next session of the General Assembly, which shall contain provisions reducing the number of active militia to \_\_\_\_\_ thousands; and also that drafts for the purposes specified in the Constitution, shall be made from the whole body of the militia, as required to be enrolled by the laws of Congress; and also, that the compensation to be made to the active militia, for their services in time of peace, shall be made equal, among the militia who shall perform the service.

Mr. Crawford moved that the blank in the resolution be filled by the word "six," and

On motion of Mr. Fisk,

The resolution and proposed amendment were ordered to be laid on the table.

Mr. Blodgett introduced the following resolution:

Whereas, at the late extra session of Congress two several bills, to wit: the "Fiscal Bank" and the "Fiscal Corporation," have passed both Houses of Congress, and have only failed of becoming laws by the refusal of the President to sign them—

*Resolved*, therefore, by the Senate and House of Representatives, That we approve of the independent stand taken by President Tyler, in refusing to said bills his official signature.

And on the question, Shall the resolution pass? the yeas and nays, having been demanded by Mr. Blodgett, were as follows:

Those Senators who voted in the affirmative are,

Messrs. Bartlett, Blodgett, Dillingham, Eaton of Washington, Hatch, Hemenway, Rich, Sheldon, and Stevens—9.

Those Senators who voted in the negative are,

Messrs. Barrett, Bottum, Clark, Crawford, Dana, Dean, Eaton of Franklin, Fisk, Gilson, Norton, Palmer, Russell, Sabin, Sowles, Wheelock, and Wooster—16.

So the resolution was rejected.

The Senate took into consideration the resolution fixing a day for the adjournment of the General Assembly, together with the amendment proposed by the House of Representatives, which is to strike out the word "Tuesday," and insert the word "Friday."

On motion of Mr. Clark, the amendment proposed by the House was amended, by striking out the word "Friday," and inserting the word "Thursday."

(S. 11.) The Senate considered the motion, which had been laid on the table, to reconsider the vote by which the Senate refused to pass the bill entitled "an act to pay Rufus Campbell the sum therein mentioned," and it was

*Ordered*, That said vote be reconsidered.

The question thereupon being, Shall the bill pass?

On motion of Mr. Sheldon,

The Senate adjourned.

## AFTERNOON.

(H. 54.) Mr. Dean, from the committee on Land Taxes, to whom was referred the bill from the House of Representatives entitled "an act laying a tax on the lands in Newark," reported the same with proposals of amendment, as follows: after the words "said committee," in the 11th line, insert the words "provided that the whole of said tax shall be expended by the committee on or before the first day of December, A. D. 1842;" strike out the name of "Amos Parker," and insert the name "Lawrence N. Sleeper;" and strike out from the 10th line the word "the," and insert the word "a."

The proposed amendments were adopted, and the bill, as amended, was Read the third time, and passed in concurrence.

(H. 57.) Mr. Russell, from the committee on Roads and Canals, to whom was referred the bill from the House of Representatives entitled "an act to incorporate the Willoughby Lake Turnpike Company," reported the same without amendment, and it was

Read the third time, and passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 85.) "An act to amend section 50 of chapter 68 of the Revised Statutes."

(H. 102.) "An act to pay Azariah Webb the sum therein mentioned."

The House concur with the Senate in passing certain resolutions relative to the reeligibility of the President of the United States.

(S. 39.) Mr. Blodgett introduced a bill entitled "an act establishing an academy at Corinth in the County of Orange," which was read twice, and referred to the committee on Education.

Mr. Wheelock, from the committee on Banks, to whom were referred the report of the Bank Commissioner and the report of the Bank Committee, reported as the opinion of the committee, that all the legislative action necessary in relation thereto having been heretofore had, no further action is called for at this time.

(H. 85.) The bill from the House of Representatives entitled "an act to amend section 50 of chapter 68 of the Revised Statutes" was read twice, and referred to the committee on Manufactures.

(H. 102.) The bill from the House entitled "an act to pay Azariah Webb the sum therein mentioned," was read twice, and referred to the committee on Claims.

(H. 32.) Mr. Clark, from the committee on the Claims, to whom was referred the bill entitled "an act to pay Henry S. Morse and others the sum

therein mentioned," reported the same without amendment, and on the question, Shall the bill be read the third time?

The yeas and nays, having been demanded by Mr. Blodgett, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Barrett, Bartlett, Bottum, Clark, Dana, Dillingham, Eaton of Franklin, Fisk, French, Hemenway, Norton, Palmer, Russell, Rich, Sabin, Sheldon, Sowles, Wheelock and Wooster—19.

Those Senators who voted in the negative, are:

Messrs. Blodgett, Crawford, Dean, Hatch and Stevens—5.

So the question was decided in the affirmative, and the bill was read the third time and passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT: The House of Representatives have resolved not to concur in the amendment proposed by the Senate to the amendment of the House to the resolution relating to the adjournment of the General Assembly.

The Senate took up their said amendment to the said resolution and receded from the same, and the amendment proposed by the House was concurred in.

Mr. Crawford asked leave of absence from and after Thursday morning, which was granted.

Mr. Clark, from the committee on Claims, reported the following bills from the House of Representatives, which were severally read the third time and passed in concurrence.

(H. 93.) "An act to pay Noble Lovely & Co. the sum therein mentioned."

(H. 1.) "An act to pay Ziba B. Nichols the sum therein mentioned."

(H. 96.) "An act to pay Lyman and King the sum therein mentioned."

(H. 79.) "An act to pay William A. Griswold the sum therein mentioned."

Mr. Norton, from the committee on Finance, reported the following bills from the House of Representatives, without amendment, and they were severally read the third time and passed in concurrence.

(H. 91.) "An act assessing a tax for the support of government."

(H. 92.) "An act making appropriations for the support of government."

(H. 90.) "An act authorizing the Treasurer to borrow the sum therein mentioned."

Mr. Norton, from the committee on Finance, to whom were referred the various documents enumerated on the journal of November 4th, and which were transmitted by the Governor to the House of Representatives for the use of the General Assembly, reported the same, without recommending any action thereon.

(S. 11.) The Senate took up the bill entitled "an act to pay Rufus Campbell the sum therein mentioned," and on the question, Shall the bill pass?

The yeas and nays were demanded by Mr. Gilson, and are as follows:

Those Senators who voted in the affirmative, are:

Messrs. Barrett, Bartlett, Blodgett, Crawford, Dana, Eaton of Franklin, Eaton of Washington, Fisk, Gilson, Palmer, Russell, Rich, Sabin, Wheelock and Wooster—15.

Those Senators who voted in the negative, are:

Messrs. Bottum, Clark, Dean, Dillingham, French, Hatch, Hemenway, Norton, Sheldon, Sowles and Stevens—11.

So the bill passed.

On motion of Mr. Clark,  
The Senate adjourned.

TUESDAY, NOV. 9, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

(S. 40.) Mr. Sheldon, from the committee on Education, reported a bill entitled "an act relating to the income of the state school fund," and it was read twice and laid upon the table.

(H. 58.) Mr. Bartlett, from the committee on Finance, to whom was referred the bill from the House of Representatives entitled "an act relating to the Grand List," reported the same with propositions of amendment, and on the demand of Mr. Crawford, the Senate considered said bill as in committee of the whole, Mr. Bartlett in the chair.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT,—The House have passed a resolution relative to a day of thanksgiving and a resolution relative to obtaining copies of the laws of Congress, in which they request the concurrence of the Senate.

(H. 58.) The committee of the whole on the bill entitled "an act relating to the Grand List," having made progress in the consideration thereof, rose and reported, and asked leave to sit again this afternoon, which was granted.

(S. 37.) Mr. Dillingham, from the select committee, to whom was referred the bill entitled "an act in alteration of an act entitled 'an act regulating and governing the militia of this state,' and of several acts in addition thereto," and the several amendments thereto adopted by the Senate, reported a bill (S. 41) entitled "an act in addition to the several acts regulating and governing the militia of this state," and it was read twice, and on motion of Mr. Wooster, laid upon the table.

(S. 43.) Mr. Blodgett introduced a bill entitled "an act to pay Tappan Stevens the sum therein mentioned," which was read twice and referred to the committee on Claims.

On motion of Mr. Clark,  
The Senate adjourned.

## AFTERNOON.

Mr. French, from the committee on the Judiciary, to whom was referred a resolution relative to amending chapter I of the Revised Statutes, reported that in the opinion of the committee, no action is necessary thereon.

(H. 98.) Mr. Dean, from the committee on Land Taxes, reported the House bill entitled "an act laying a tax on the lands in Charleston," without amendment, and it was read the third time and passed in concurrence.

(S. 41.) Mr. Clark called up the bill entitled "an act in addition to the several acts regulating and governing the militia of this state," and it was, on his motion,

*Ordered* to be engrossed and read the third time.

(H. 85.) Mr. Palmer, from the committee on Manufactures, to whom was referred the House bill entitled "an act to amend section 50 of chapter 68 of the Revised Statutes," reported the same without recommending any action thereon, and on his motion, it was laid upon the table.

Mr. Wooster, from the committee on the Judiciary, to whom was referred a resolution providing for making the select men of the several towns the sole board of authority, reported adversely to the same.

(H. 30.) Mr. Crawford, from the senators of Bennington and Windham counties, to whom was referred the bill from the House of Representatives entitled "an act for surveying and ascertaining the boundary line between the counties of Bennington and Windham," reported as the opinion of such senators, that the bill ought not to pass, and on the question, Shall the bill be read the third time? it was decided in the negative.

So the bill was rejected.

Mr. Barrett called up the resolution from the House relative to a day of public thanksgiving, and the Senate refused to concur therein.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT: The House have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 87.) "An act to pay John Hurlburt the sum therein mentioned,"

(H. 108.) "An act to pay Z. C. Camp the sum therein mentioned," and

(H. 105.) "An act laying a tax on the lands in Geensboro'."

The Senate took up the said bills, and they were severally read twice, and referred as follows:

(H. 87.) "An act to pay John Hurlburt the sum therein mentioned," and

(H. 108.) "An act to pay Z. C. Camp the sum therein mentioned," to the committee on Claims.

(H. 105.) "An act laying a tax on the lands in Greensboro'," to the committee on Land Taxes.

Mr. Crawford, from the committee on Military Affairs, to whom was referred the communication received some time since from the Auditor of Accounts, reported as the opinion of the committee, that no action was necessary thereon.

The resolution from the House of Representatives, relative to procuring certain copies of the laws of Congress, was taken up and concurred in.

The Senate took up the resolution relative to appointing a committee to revise the militia laws, and Mr. Wooster moved to strike out all after the word "Assembly;" which motion prevailed.

Mr. Eaton of Washington moved to strike out the word "one" and insert the word "three," which motion also prevailed, and the resolution, on motion of Mr. Crawford, was laid on the table.

Mr. Wheelock, from the committee on Bills, made the following report:

The committee on Bills report that they have, this day, delivered to the Governor for his approval and signature, bills of the following titles, viz.:

(H. 57.) "An act to incorporate the Willoughby Lake Turnpike Company."

(H. 79.) "An act to pay William A. Griswold the sum therein mentioned."

(H. 32.) "An act to pay Henry S. Morse and others the sum therein mentioned."

(H. 1.) "An act to pay Ziba B. Nichols the sum therein mentioned."

(H. 93.) "An act to pay Noble Lovely & Co. the sum therein mentioned."

(H. 97.) "An act in amendment of section 63 of chapter 28 of the Revised Statutes."

(H. 91.) "An act assessing a tax for the support of government."

(H. 92.) "An act making appropriations for the support of government."

(H. 90.) "An act authorizing the Treasurer to borrow the sum therein mentioned."

(H. 96.) "An act to pay Lyman and King the sum therein mentioned."

(H. 95.) "An act altering the names of certain persons."

(H. 60.) "An act laying a tax on the lands in Salem."

(H. 35.) "An act in addition to chapter 21 of the Revised Statutes."

(H. 53.) "An act laying a tax on the lands in Avery's Gore, in the county of Franklin."

(H. 18.) "An act to incorporate the Readsboro' and Woodford Turnpike Company."

(H. 77.) "An act fixing the time when public acts shall take effect."

(S. 9.) "An act in addition to chapter 41st of the Revised Statutes."

(S. 19.) "An act to amend the 28th chapter of the Revised Statutes."

A message from his Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—His Excellency the Governor has this day approved and signed the following entitled bills:

(S. 9.) "An act in addition to the 41st chapter of the Revised Statutes."

(S. 19.) "An act to amend the 28th chapter of the Revised Statutes."

(H. 58.) The Senate, as in committee of the Whole, Mr. Clark in the



chair, resumed the consideration of the bill entitled "an act relating to the grand list," and having considered the same, rose and reported progress to the Senate, and asked leave to sit again this evening, which was granted.

Mr. Clark moved that when the Senate adjourns, it adjourn to meet at 7 o'clock this evening, which motion was agreed to.

A message from the House of Representatives by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House concur with the Senate in passing a resolution relating to Revolutionary Pay Rolls.

His Excellency the Governor has announced to the House that he has this day approved and signed bills of the following titles:

(H. 1.) "An act to pay Ziba B. Nichols the sum therein mentioned."

(H. 18.) "An act to incorporate the Readsboro' and Woodford Turnpike Company."

(H. 32.) "An act to pay Henry S. Morse and others the sum therein mentioned."

(H. 35.) "An act in addition to chapter 21 of the Revised Statutes."

(H. 55.) "An act laying a tax on the lands in Avery's Gore in the County of Franklin."

(H. 57.) "An act to incorporate the Willoughby Lake Turnpike Company."

(H. 60.) "An act laying a tax on the lands in Salem."

(H. 77.) "An act fixing the time when public acts shall take effect."

(H. 79.) "An act to pay William A. Griswold the sum therein mentioned."

(H. 90.) "An act authorizing the Treasurer to borrow the sum therein mentioned."

(H. 91.) "An act assessing a tax for the support of government."

(H. 92.) "An act making appropriations for the support of government."

(H. 93.) "An act to pay Noble Lovely & Co. the sum therein mentioned."

(H. 95.) "An act altering the names of certain persons."

(H. 96.) "An act to pay Lyman & King the sum therein mentioned."

(H. 97.) "An act in amendment of section 63 of chapter 28 of the Revised Statutes."

On motion of Mr. Clark,  
The Senate adjourned.

## EVENING,

The President presented the petition of Elias Hall, praying for relief against the mal-practices of Daniel P. Thompson, a Justice of the Peace; which was read, and,

On motion of Mr. Wooster,

Ordered, To lie on the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT :—The House have passed bills of the following titles, in which they request the concurrence of the Senate :

(H. 100.) "An act to pay Lawrence Brainerd the sum therein mentioned."

(H. 104.) "An act laying a tax on the lands in Avery's Gore in Addison County."

(H. 99.) "An act in relation to the State Prison."

(H. 54.) The House concur in the proposed amendment of the Senate to the bill entitled "an act laying a tax on the lands in Newark," and in passing a bill (S. 35) entitled an act in alteration of chapter 43 of the Revised Statutes."

(H. 81.) Mr. Bottum, from the committee on Roads and Canals, to whom was referred the bill from the House of Representatives entitled "an act in amendment of an act entitled 'an act in relation to highways,'" reported the same without amendment, and it was

Read the third time, and passed in concurrence.

The following bills from the House of Representatives were taken up, severally read the first and second times, and referred as follows :

(H. 99.) "An act in relation to the State Prison," to the committee on the Judiciary.

(H. 104.) "An act laying a tax on the lands in Avery's Gore in Addison County," to the committee on Land Taxes.

(H. 100.) "An act to pay Lawrence Brainerd the sum therein mentioned," to the committee on Claims.

(H. 58.) The Senate, as in committee of the Whole, Mr. Clark in the chair, resumed consideration of the bill from the House of Representatives entitled "an act relating to the grand list," and, having made progress therein, rose and reported the same to the Senate, and asked leave to sit again tomorrow morning.

Which was granted.

On motion of Mr. Dean,  
The Senate adjourned.

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WEDNESDAY, Nov. 10, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

(H. 99.) Mr. Wooster, from the committee on the Judiciary, to whom was referred the bill from the House of Representatives entitled "an act in relation to the State Prison," reported the same without amendment, and it was

Read the third time, and passed in concurrence.

(S. 43.) Mr. Eaton of Franklin, from the select committee to whom was referred the resolution relative to a new apportionment of Senators, with

instructions to report a bill, reported a bill entitled "an act to apportion Senators in the State Legislature," which was read twice, and

*Ordered*, to be laid on the table.

(S. 41.) The engrossed bill entitled "an act in addition to the several acts regulating and governing the militia of this State," was taken up, Read the third time, and passed.

Mr. Crawford called up the resolution providing for the appointment of a committee to revise the militia laws.

Mr. Eaton of Washington moved to amend the same by striking out the word "one," and insert the word "three."

And it was so ordered, and

The resolution, so amended, was passed.

A message from the House of Representatives by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House have passed a resolution relative to publishing the journal of the joint assembly, in which they request the concurrence of the Senate.

The following resolution from the House of Representatives was taken up:

*Resolved*, by the Senate and House of Representatives, That the Secretary of State be directed to furnish the Clerk of the House of Representatives with a copy of the proceedings of the joint assembly, during the present session of the Legislature; and that the same be published with the journal of the House.

Which was read, and,

On motion of Mr. Eaton of Franklin,

*Ordered*, to be laid on the table.

(S. 40.) On motion of Mr. Sheldon, the Senate took up the bill entitled "an act relating to the income of the State School Fund."

Mr. Hatch moved that the further consideration of the bill be indefinitely postponed, and demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Barrett, Blodgett, Dillingham, Eaton of Washington, French, Hatch, Hemenway, Norton, Rich, and Stevens—10.

Those Senators who voted in the negative, are:

Messrs. Bottum, Clark, Crawford, Dana, Dean, Eaton of Franklin, Fisk, Gilson, Palmer, Russell, Sabin, Sheldon, Sowles, Wheelock, and Wooster—15.

So the motion was rejected, and the bill was

*Ordered*, to be engrossed and read the third time.

(H. 58.) The Senate, as in committee of the Whole, Mr. Clark in the chair, resumed consideration of the bill from the House of Representatives entitled "an act relating to the grand list," and after having made progress therein, the committee rose, reported progress, and asked leave to sit again this afternoon.

Which leave was granted.

Mr. Wheelock, from the committee on Bills, made the following report: The committee on Bills report that they have, this day, presented to the Governor, for his approval and signature, a bill of the following title:

(H. 99.) "An act in relation to the State Prison."

On motion of Mr. Bottum,

The Senate adjourned.

## AFTERNOON.

(S. 27.) (S. 39.) Mr. Eaton of Franklin, from the committee on Education, to which were referred the bills entitled "an act to incorporate the Whitingham Academy," and "an act establishing an Academy at Corinth in the County of Orange," made a report (see appendix) concluding with the opinion of the committee that the same ought not to pass.

And the third reading was denied to each of said bills.

(H. 104.) Mr. Dean, from the committee on Land Taxes, to whom was referred the bill from the House of Representatives entitled "an act laying a tax on the lands in Avery's Gore in Addison County," reported the same without amendment, and it was

Read the third time, and passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House have passed a resolution providing for a joint assembly to elect three Directors of the State Prison, a resolution relating to auditing the accounts of sundry officers, and bills of the following titles in which they request the concurrence of the Senate:

(H. 111.) "An act for the relief of ministerial officers,"

(H. 26.) "An act altering section 1 of chapter 32 of the Revised Statutes,"

(H. 47.) "An act in addition to chapter 83 of the Revised Statutes," and

(H. 110.) "An act amending chapter 74 of the Revised Statutes."

His Excellency the Governor has announced to the House, that he has this day approved and signed a bill of the following title:

(H. 99.) "An act in relation to the State Prison."

(S. 43.) On motion of Mr. Eaton of Franklin, the Senate took up the bill entitled "an act to apportion Senators in the State Legislature."

Mr. Dillingham moved so to amend the same that Windsor County shall be entitled to three Senators instead of four, as provided by the act, Franklin County to two instead of three, Orleans County to two instead of one, and Lamoille County to two instead of one.

And the question of adopting the said amendment, being divided,

On the question, Will the Senate order the word "four," after the words "Windsor County," to be struck out and the word "three" to be inserted? the yeas and nays, having been demanded by Mr. Dillingham, were as follows:

Those Senators who voted in the affirmative are,

Messrs. Blodgett, Dillingham, Eaton of Washington, Hemenway, and Sheldon—5.

Those Senators who voted in the negative are,

Messrs. Barrett, Bottum, Clark, Crawford, Dana, Dean, Eaton of Franklin, Fisk, French, Gilson, Hatch, Norton, Palmer, Russell, Rich, Sabin, Sowles, Wheelock, and Wooster—19.

So the Senate refused to adopt the amendment, and the remainder of the proposed amendment was withdrawn.

And the bill was

*Ordered*, to be engrossed and read the third time.

A resolution from the House of Representatives was taken up, read, and passed in concurrence, and is as follows:

*Resolved*, by the Senate and House of Representatives, That the Auditor of Accounts be instructed to open an account with the sergeant-at-arms, in which he shall be charged with the amount of stationary, furniture and other property which shall be found on inventory to belong to the state, in and about the state house, at the close of each session of the legislature.

Also, to open an account with the State's attorney in each county, in which he shall be charged with the amount of monies received on state bonds, state prosecutions, for fines, penalties, forfeitures, or from any other sources in behalf of the state.

Also, to open an account with the county clerk in each county, in which said clerk shall be charged with the amount of money received for the use of the state for pedlar's licences, for jurors fees, or from any other source, or for any other purpose.

Also, to open an account with the military department of this state, in which said department shall be charged with the amount of money expended for the support of the militia each year.

Also, to open an account with the agent to settle the affairs of the Vermont State Bank, in such a manner as to exhibit the interest of the state in that institution.

Also, to open an account with the superintendent of the Vermont State Prison, in such a manner as to exhibit the amount of receipts and disbursements of that institution.

Also, to collect and digest the report of the treasurer, and all other reports relating to the finances of the state, exhibiting in one report the entire sources of revenue to the state and the various expenditures each year, and cause an edition of three hundred copies to be published for the use of the General Assembly at as early period of the next session as may be.

Also, to report at the next session of the legislature, what modification of the law is necessary to secure a more thorough accountability by every officer or citizen being in the receipt of monies belonging in any wise to the State of Vermont.

The following resolution from the House of Representatives:

*Resolved*, by the Senate and House of Representatives, That both houses meet in joint Assembly at 3 o'clock to-morrow afternoon, for the purpose of electing three directors of the state prison,

Was taken up, read, and passed in concurrence.

The following bills from the House of Representatives, were taken up, severally read twice, and referred as follows:

(H. 47.) "An act in addition to chapter 83 of the Revised Statutes," and

(H. 110.) "An act amending chapter 74 of the Revised Statutes," to the committee on Finance.

(H. 26.) "An act altering section 1 of chapter 73 of the Revised Statutes," to the Senators of Windsor county.

(H. 111.) "An act for the relief of ministerial officers," to the committee on the Judiciary.

(H. 102.) Mr. Bottum, from the committee on Claims, to whom was referred the bill from the House of Representatives, entitled "an act to pay Azariah Webb the sum therein mentioned," reported the same, without amendment, and the question, Shall the bill be read the third time? was decided in the negative.

So the bill was rejected.

(H. 58.) The Senate, as in committee of the whole, Mr. Clark, in the chair, resumed the consideration of the bill from the House of Representatives entitled "an act relating to the Grand List," and having made progress therein, reported the same to the Senate, with proposals of amendment.

On motion of Clark, it was

*Ordered*, That when the Senate adjourn, it adjourn to meet at 7 o'clock this evening.

The Senate adjourned.

#### EVENING.

The Senate took up the following engrossed bills, and they were severally read the third time and passed:

(S. 43.) "An act to apportion senators in the state legislature," and

(S. 40.) "An act relating to the income of the state school fund."

(S. 42.) Mr. Clark, from the committee on Claims, to whom was referred the bill entitled "an act to pay Tappan Stevens the sum therein mentioned," reported the same, with the proposition to amend by striking out the words "two hundred and nineteen dollars and thirty-six cents," and inserting the words "one hundred and twenty-one dollars and twenty-one cents,"

And the amendment was adopted, and the bill,

*Ordered* to be engrossed and read the third time.

(H. 100.) Mr. Bottum, from the committee on Claims, to whom was referred the bill from the House of Representatives, entitled "an act to pay Lawrence Brainerd the sum therein mentioned," reported the same, without amendment, and it was

Read the third time, and passed in concurrence.

(H. 26.) Mr. Gilson, from the special committee, to whom was referred the bill from the House of Representatives entitled "an act altering section 1, chapter 32 of the Revised Statutes," reported the same, without amendment, and it was

Read the third time, by unanimous consent, and passed in concurrence.

(H. 111.) Mr. Wooster, from the committee on the Judiciary, to whom was referred the bill from the House of Representatives entitled "an act

for the relief of ministerial officers," reported the same, with the opinion of the committee that it ought not to pass.

And the third reading was denied.

(H. 47.) Mr. Norton, from the committee on Finance, to whom was referred the bill from the House of Representatives entitled "an act in addition to chapter 83 of the Revised Statutes," reported the same, without amendment, and it was, by unanimous consent,

Read the third time, and passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 66.) "An act to pay Chauncey Goodrich the sum therein mentioned."

(H. 106.) "An act laying a tax on the county of Washington."

(H. 113.) "An act to pay George B. Manser the sum therein mentioned."

(H. 114.) "An act to limit the time for militia officers to make their returns to town clerks."

(H. 115.) "An act establishing the Cavendish Light Infantry."

(H. 116.) "An act establishing the Rockingham Light Infantry," and

(H. 117.) "An act concerning the State Prison."

(S. 18.) The House concur with the Senate in passing the bill entitled "an act to provide for the receipt of the proceeds of the sales of the public lands," with a proposal of amendment, in which the request the concurrence of the Senate.

(S. 14.) The House concur with the Senate in passing the bill entitled "an act to amend chapter 29 of the Revised Statutes."

(S. 42.) The Senate took up the engrossed bill entitled "an act to pay Tappan Stevens the sum therein mentioned," and on the question, Shall the bill pass?

The yeas and nays having been demanded by Mr. Blodgett, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Blodgett, Clark, Dean, Dillingham, Eaton of Franklin, Eaton of Washington, Hatch, Norton, Palmer, Russell and Sabin,—11.

Those Senators who voted in the negative, are:

Messrs. Barrett, Bottum, Crawford, Dana, Fisk, French, Hemenway, Wheelock and Wooster—9.

So the bill was passed.

Mr. Hemenway, from the committee on Bills, reported that the said committee have, this day, presented to the Governor, for his approval and signature, bills of the following titles, viz:

(S. 35.) "An act in alteration of chapter 43 of the Revised Statutes."

(S. 17.) "An act directing the treasurer to pay Thomas H. Fuller the sum therein mentioned."

(H. 110.) Mr. Norton, from the committee on Finance, to whom was referred the bill from the House of Representatives, entitled "an act amending chapter 74 of the Revised Statutes," reported the same, with the proposal to amend by striking out from the 20th line, the words, "or any silk

goods," and by striking out in the 21st line, the word "are" and insert in lieu thereof the word "is."

The said amendments were adopted, and, on the question, Shall the bill be read the third time?

The yeas and nays, having been demanded by Mr. Dean, were as follows:

Those Senators who voted in the affirmative, are:

Messrs. Barrett, Blodgett, Bottum, Clark, Crawford, Dana, Dillingham, Eaton of Franklin, Eaton of Washington, French, Hatch, Norton, Palmer, Rich, Sabin, Sowles, Stevens, Wheelock and Wooster—19.

Those Senators who voted in the negative, are:

Messrs. Dean, Fisk, Hemenway and Russell—4.

And the bill was read the third time, and passed in concurrence.

The following bills from the House of Representatives, were taken up, severally read twice, and referred as follows:

(H. 114.) "An act to limit the time for militia officers to make their return to town clerks,"

(H. 116.) "An act establishing the Rockingham Light Infantry," and

(H. 115.) "An act establishing the Cavendish Light Infantry," to the committee on Military Affairs.

(H. 113.) "An act to pay George B. Manser the sum therein mentioned," and

(H. 66.) "An act to pay Chauncey Goodrich the sum therein mentioned," to the committee on Claims.

(H. 117.) "An act concerning the State Prison," to the committee on Finance.

(H. 106.) "An act laying a tax on the county of Washington," to the Senators from said county.

(S. 18.) The Senate took up the amendment proposed by the House to the bill entitled "an act to provide for the receipt of the proceeds of the sales of the public lands," which is "to strike out section 2," and refused to concur therein.

(H. 108.) Mr. Clark from the committee on Claims, reported the House bill entitled "an act to pay Z. C. Camp the sum therein mentioned," and it was read the third time and passed in concurrence.

On motion of Mr. Dillingham,  
The Senate adjourned.

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THURSDAY, NOV. 11, 1841.

Prayer by the Chaplain.

The journal of yesterday was read.

Mr. Sowles, from the committee on Military Affairs, to whom were re-



ferred the several bills from the House of Representatives entitled (H. 114) "an act to limit the time for militia officers to make their return to town clerks," (H. 116) "an act establishing the Rockingham Light Infantry," and (H. 115) "an act establishing the Cavendish Light Infantry," reported the same without amendment, and they were, severally,

Read the third time, and passed in concurrence.

(H. 106.) Mr. Eaton of Washington, from the special committee, to whom was referred the bill from the House of Representatives entitled "an act laying a tax on the County of Washington," reported the same without amendment, and it was

Read the third time, and passed in concurrence.

(H. 85.) Mr. Palmer called up the bill from the House of Representatives entitled "an act to amend section 50 of chapter 68 of the Revised Statutes," and the question, Shall the bill be read the third time? was decided in the negative.

(H. 105.) Mr. Dean, from the committee on Land Taxes, to whom was referred the bill from the House of Representatives entitled "an act laying a tax on the lands in Greensboro'," reported the same without amendment, and it was

Read the third time, and passed in concurrence.

(S. 34.) Mr. Dana, from the committee on Education, to whom was referred the bill entitled "an act to provide for the distribution of the School Fund," reported the same, with the opinion of the committee that it ought not to pass; and

The third reading was refused.

(H. 58.) The Senate took up the bill from the House of Representatives entitled "an act relating to the grand list," together with the amendments proposed by the committee of the Whole.

Mr. Clark moved to amend said bill by striking out the 5th section, and on that question called the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,  
Messrs. Blodgett, Bottum, Clark, Dana, Dillingham, Eaton of Franklin, French, Hemenway, Norton, Sabin, Sheldon, Sowles, and Stevens—13.

Those Senators who voted in the negative are,  
Messrs. Barrett, Dean, Eaton of Washington, Fisk, Hatch, Palmer, Russell, Wheelock, and Wooster—10.

So the bill was so amended.

Mr. Hemenway, from the committee on Bills, reported that they have, this day, laid before the Governor, for his approval and signature, bills of the following titles:

(H. 81.) "An act in amendment of an act entitled 'an act in relation to highways,'"

(H. 54.) "An act laying a tax on the lands in Newark."

(H. 98.) "An act laying a tax on the lands in Charleston."

(H. 104.) "An act laying a tax on the lands in Avery's Gore in Addison County."

(H. 114.) "An act to limit the time for militia officers to make their return to town-clerks."

(H. 108.) "An act to pay Z. C. Camp the sum therein mentioned."

(H. 105.) "An act laying a tax on the lands in Greensboro'."

(H. 115.) "An act establishing the Cavendish Light Infantry."

- (H. 116.) "An act establishing the Rockingham Light Infantry."  
 (H. 100.) "An act to pay Lawrence Brainerd the sum therein mentioned."  
 (H. 26.) "An act altering section 1 of chapter 32 of the Revised Statutes."  
 (H. 106.) "An act laying a tax on the County of Washington."  
 (S. 14.) "An act to amend chapter 29 of the Revised Statutes."  
 (S. 11.) "An act to pay Rufus Campbell the sum therein mentioned."

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House concur with the Senate in passing the bill (S. 11) entitled "an act to pay Rufus Campbell the sum therein mentioned."

The Governor has announced to the House that he has this day approved and signed bills of the following titles:

- (H. 54.) "An act laying a tax on the lands in Newark."  
 (H. 81.) "An act in amendment of an act entitled 'an act in relation to highways.'"  
 (H. 98.) "An act laying a tax on the lands in Charleston."  
 (H. 104.) "An act laying a tax on the lands in Avery's Gore in Addison County."  
 (H. 26.) "An act altering section 1 of chapter 32 of the Revised Statutes."  
 (H. 100.) "An act to pay Lawrence Brainerd the sum therein mentioned."  
 (H. 105.) "An act laying a tax on the lands in Greensboro'."  
 (H. 106.) "An act laying a tax on the County of Washington."  
 (H. 108.) "An act to pay Z. C. Camp the sum therein mentioned."  
 (H. 114.) "An act to limit the time for militia officers to make their return to town clerks."  
 (H. 115.) "An act establishing the Cavendish Light Infantry."  
 (H. 116.) "An act establishing the Rockingham Light Infantry."

A message from his Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—His Excellency the Governor has this day approved and signed the following entitled bills:

- (S. 17.) "An act directing the Treasurer to pay Thomas H. Fuller the sum therein mentioned."  
 (S. 35.) "An act in alteration of chapter 43 of the Revised Statutes."  
 (S. 11.) "An act to pay Rufus Campbell the sum therein mentioned."  
 (S. 14.) "An act to amend chapter 29 of the Revised Statutes."

The Senate adjourned.

#### AFTERNOON.

Mr. Clark, from the committee on Claims, to whom were referred the following entitled bills from the House of Representatives:

- (H. 66.) "An act to pay Chauncey Goodrich the sum therein mentioned."

(H. 113.) "An act to pay George B. Manser the sum therein mentioned," and

(H. 87.) "An act to pay John Hurlburt the sum therein mentioned," Reported the same without amendment, and they were severally Read the third time, and passed in concurrence.

(H. 117.) Mr. Norton, from the committee on Finance, to whom was referred the bill from the House of Representatives entitled "an act concerning the State Prison," reported the same without amendment, and it was

Read the third time, and passed in concurrence.

Mr. Eaton of Franklin, from the committee on Education, to whom was referred the memorial of the University of Vermont, reported the following resolution:

*Resolved*, by the Senate and House of Representatives, That the Commissioners, who may be this year appointed to visit the University of Vermont, be directed to give special attention to the objects set forth in the memorial of the corporation of said University, and report their views in relation to the same, to the next Legislature.

Which resolution was read and passed.

The Senate took up the resolution from the House of Representatives relative to printing the journal of the joint assembly, and

*Resolved*, not to concur in passing the same.

On motion of Mr. Eaton of Franklin,

*Ordered*, That when the Senate adjourn, it adjourn to meet at 7 o'clock this evening.

On motion of Mr. Eaton of Washington,  
The Senate adjourned.

#### EVENING.

A message from the House of Representatives by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 118.) "An act for the relief of George W. Wentworth."

(H. 107.) "An act in addition to an act relating to highways."

(H. 51.) "An act in addition to an act relating to the corporation of the city of Vergennes."

The House concur with the Senate in passing the bill (S. 6) entitled "an act relating to the election of representatives to Congress."

Mr. Bartlett, from the select committee, to whom were referred sundry resolutions and proceedings of the legislatures of Virginia, Alabama and Mississippi, in relation to the controversy between the states of Virginia and New-York, reported the opinion of the committee to be that no legislative action is expedient thereon.

(H. 51.) The Senate took up the bill from the House of Representatives, entitled "an act in addition to an act, relating to the corporation of the city of Vergennes," and it was,

Read twice, and, by unanimous consent,  
Read the third time, and passed in concurrence.

(H. 118.) The Senate took up the bill from the House of Representatives entitled "an act for the relief of George W. Wentworth," and it was

Read twice, and, by unanimous consent,  
Read the third time, and passed, in concurrence.

(H. 107.) The Senate took up the bill from the House of Representatives entitled "an act in addition to an act relating to highways," and it was

Read twice, and referred to the committee on Roads and Canals.

(H. 58.) The Senate resumed consideration of the bill from the House of Representatives entitled "an act relating to the Grand List," together with the proposed amendments thereto.

Mr. Norton moved to strike out section 18 and insert the following in lieu thereof:

"If any person whose estate shall have been so assessed shall feel himself aggrieved by such assessment, such person may within thirty days after such list shall have been deposited in the town clerk's office aforesaid, make application to the listers in writing to have his assessment reduced or vacated. The listers may examine such person on oath in relation to the subject of such application, and hear other testimony in relation thereto, and after such hearing shall assess such person, as from the evidence they shall deem just and equitable, which assessment shall be taken as the assessment of such person. Such applicant shall not on such examination by the listers, be required to disclose the names of the persons who may be indebted to him.

And on that question, demanded the yeas and nays, which are as follows:

Those Senators who voted in the affirmative, are:

Messrs. Bartlett, Bottum, Clark, Dean, Eaton of Franklin, Eaton of Washington, Fisk, French, Gilson, Hemenway, Norton, Palmer, Russell, Sabin, Wheelock and Wooster—16.

Those Senators who voted in the negative, are:

Messrs. Blodgett, Dillingham, Hatch, Sowles, and Stevens—5.

So the amendment was adopted.

Mr. Blodgett offered the following amendment:

Sec. —. It shall be the duty of the cashiers of the several Banks and the clerks of all other corporations within this state, to transmit to the clerks of the several towns within this state, in which any stockholder of such bank or other corporation may reside, a true list of the names of all such stockholders, with the number of shares standing against the names of all such stockholders, on the books of such bank or other corporation, together with the amount actually paid in on each share, on the first day of April in each year hereafter."

Which amendment was read and adopted.

Mr. Dillingham offered the following amendment, which was read and adopted:

"Sec. 24. It shall be the duty of the listers in each town, when they return the list of their assessments of personal property, to lodge with the town clerk a written notice, stating on what day and at what place they

will meet to hear appeals, which time shall be within thirty days from such return. At which time, and from day to day, they shall sit till all appeals are heard and decided upon."

And on the question, Shall the bill, as amended, be read the second time?

The yeas and nays, having been demanded by Mr. Sowles, were as follows:

Those Senators who voted in the affirmative are,  
Messrs. Blodgett, Dillingham, Eaton of Washington, Fisk, French, Hatch, Hemenway, Norton, Palmer, Russell, Sabin and Wooster—12.

Those Senators who voted in the negative are,  
Messrs. Barrett, Bartlett, Bottum, Clark, Dean, Eaton of Franklin, Sowles, Stevens, and Wheelock—9.

So the bill was

Ordered to be read the second time.

On the question, Shall the bill be read the third time?

Mr. Clark demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,  
Messrs. Blodgett, Eaton of Washington, Fisk, French, Hatch, Hemenway, Norton, Palmer, Russell, Sabin and Wooster—11.

Those Senators who voted in the negative are:  
Messrs. Barrett, Bartlett, Bottum, Clark, Dean, Dillingham, Eaton of Franklin and Wheelock—10.

On the question, Shall the bill pass?

Mr. Clark demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,  
Messrs. Blodgett, Eaton of Washington, Fisk, French, Hatch, Hemenway, Norton, Palmer, Russell, Sabin and Wooster—11.

Those Senators who voted in the negative are,  
Messrs. Barrett, Bartlett, Bottum, Clark, Dean, Dillingham, Eaton of Franklin, Gilson, Sowles, Stevens and Wheelock—11.

There appearing to be a tie, the Secretary took the casting vote of the President, which was given in the affirmative.

So the bill passed.

Mr. Wheelock, from the committee on Bills, made the following report:

The committee on Bills report that they have, this day, presented to the Governor, for his approval and signature, bills of the following titles, to wit:

(H. 66.) "An act to pay Chauncey Goodrich the sum therein mentioned."

(H. 87.) "An act to pay John Hurlburt the sum therein mentioned."

(H. 117.) "An act concerning the state prison."

(H. 113.) "An act to pay George B. Manser the sum therein mentioned."

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT,—The Governor has announced to the House, that he has this day approved and signed bills of the following titles:

(H. 113.) "An act to pay George B. Manser the sum therein mentioned."

(H. 117.) "An act concerning the State Prison."

(H. 87.) "An act to pay John Hurlburt the sum therein mentioned."

(H. 66.) "An act to pay Chauncey Goodrich the sum therein mentioned."

Mr. Hemenway, from the committee on Bills, submitted the following report:

The committee on Bills have this day presented to the Governor, for his approval and signature, the following entitled bills:

(S. 6.) "An act relating to the election of representatives to Congress."

(H. 118.) "An act for the relief of George W. Wentworth."

(H. 51.) "An act in addition to an act relating to the corporation of the city of Vergennes."

A message from the Governor, was received by Mr. Hale, Secretary of Civil and Military Affairs, announcing that he had approved and signed the bill (H. 6.) entitled "an act relating to the election of Representatives to Congress," and the bill (S. 43.) entitled "an act to apportion senators in the state legislature."

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House concur with the Senate in passing the following bills:

(S. 43.) "An act to apportion Senators in the State Legislature."

(S. 41.) "An act in addition to the several acts regulating and governing the militia of this state."

(H. 110.) The House also concur in the amendments proposed by the Senate to the bill entitled "an act amending chapter 74 of the Revised Statutes," and also to the bill (H. 47) entitled "an act in addition to chapter 43 of the Revised Statutes."

(S. 38.) The House also concur in passing a bill entitled "an act relating to the State Library," with a proposal of amendment.

The House have passed a resolution relating to the town of Victory, in which amendment and resolution they request the concurrence of the Senate.

The House concur with the Senate in passing a resolution relating to the University of Vermont; also, in the resolution providing for the appointment of a committee to revise the militia laws.

The House do not concur with the Senate in passing the following bills:

(S. 42.) "An act to pay Tappan Stevens the sum therein mentioned."

(S. 40.) "An act relating to the income of the state school fund."

(S. 20.) "An act to provide for a geological survey of the state."

(S. 3.) "An act regulating the choice of representatives to the General Assembly."

(S. 18.) The House have resolved to insist on their amendment to the bill entitled "an act to provide for the receipt of the proceeds of the sales of the public lands."

The House do not concur with the Senate in the amendments by them proposed to the bill (H. 58) entitled "an act relating to the grand list," in the 5th and 15th sections thereof, but do concur with the Senate in the other amendments proposed thereto.

The Governor has announced to the House that he has this day approved and signed bills of the following titles:

(H. 51.) "An act in addition to an act relating to the corporation of the city of Vergennes."

(H. 118.) "An act for the relief of George W. Wentworth."

(H. 47.) "An act in addition to chapter 83 of the Revised Statutes."

(H. 110.) "An act amending chapter 74 of the Revised Statutes."

(H. 107.) Mr. Russell, from the committee on Roads and Canals, reported adversely to the bill from the House entitled "an act in addition to an act relating to highways," and the question, Shall the bill be read the third time? was decided in the negative.

So the bill was lost.

Mr. Hemenway, from the committee on Bills, during the evening session, reported that said committee had presented to the Governor, for his approval and signature, the following bills, some of which had been previously announced to the Senate as having been approved and signed by his Excellency:

(H. 51.) "An act in addition to an act relating to the corporation of the city of Vergennes."

(H. 118.) "An act for the relief of George W. Wentworth."

(S. 6.) "An act relating to the election of Representatives to Congress."

(S. 43.) "An act to apportion Senators in the State Legislature."

(S. 41.) "An act in addition to the several acts regulating and governing the militia of this State."

(H. 110.) "An act amending chapter 74 of the Revised Statutes."

(H. 47.) "An act in addition to chapter 83 of the Revised Statutes."

(S. 18.) The Senate took up the amendment proposed by the House to the bill entitled "an act to provide for the receipt of the proceeds of the sales of the public lands,"

And on the question, Will the Senate recede from their disagreement in the same? Mr. Blodgett called for the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,  
Messrs. Barrett, Bartlett, Blodgett, Dean, Dillingham, Eaton of Franklin, Eaton of Washington, Fisk, French, Gilson, Hatch, Hemenway, Norton, Palmer, Russell, Sabin, Stevens, and Wooster—12.

Those Senators who voted in the negative are,  
Messrs. Bottum, Clark, Sowles, and Wheelock—4.

So the Senate concurred in the amendment.

(S. 38.) The amendment proposed by the House of Representatives to the bill entitled "an act relating to the State Library," and the resolution relating to the town of Victory, were taken up, and severally concurred in.

The said resolution was as follows:

*Resolved*, by the Senate and House of Representatives, That the town of Victory in the county of Essex be doomed, in addition to the polls and personal property put into the list, the sum of one hundred and ten dollars, as assessment on real estate in said town.

Mr. Wheelock, from the committee on Bills, reported that the said committee had this day presented to the Governor, for his approval and signature, the following bills:

(S. 18.) "An act to provide for the receipt of the proceeds of the sales of the public lands."

(S. 38.) "An act relating to the State Library."

A message was received from the Governor, by Mr. Hale, Secretary of

Civil and Military Affairs, announcing that he had this day approved and signed the following bills:

(S. 18.) "An act to provide for the receipt of the proceeds of the sales of the public lands."

(S. 41.) "An act in addition to the several acts regulating and governing the militia of this State."

(S. 38.) "An act relating to the State Library."

(H. 58.) Mr. Dillingham moved that the Senate do insist on their amendments to the 5th and 15th sections of the bill entitled "an act relating to the grand list;" and on this question called the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,  
Messrs. Barrett, Bartlett, Blodgett, Bottum, Clark, Dean, Dillingham, Eaton of Franklin, French, Hemenway, Sabin, Sowles, Stevens, and Wooster—14.

Those Senators who voted in the negative are,  
Messrs. Eaton of Washington, Fisk, Gilson, Hatch, Norton, Palmer, Russell, and Wheelock—8.

So the Senate resolved to insist on their said amendments.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House have resolved to recede from their disagreement to the amendments proposed by the Senate to the 5th and 15th sections of the bill (H. 58) entitled "an act relating to the grand list."

Mr. Wheelock, from the committee on Bills, reported that the committee had laid before the Governor, for his approval and signature, the bill (H. 58) entitled "an act relating to the grand list."

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The Governor has announced to the House that he has this day approved and signed the bill (H. 58) entitled "an act relating to the grand list."

I am also directed to inform the Senate, that the House have, on their part, concluded the business of the session."

Mr. Bartlett introduced the following resolution, which was read and unanimously adopted:

*Resolved*, That the thanks of the Senate be presented to His Honor the President, for the able, faithful and impartial manner in which he has performed the duties of the chair.

Mr. Dillingham moved that the Governor be informed that the Senate have, on their part, concluded the business of the session, and that the Secretary be directed to convey the same message to the House of Representatives.

The Chair requested Mr. Dillingham to inform the Governor that the Senate had concluded their business.

A message from his Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to inform the Senate that he has no further communication to make to them.



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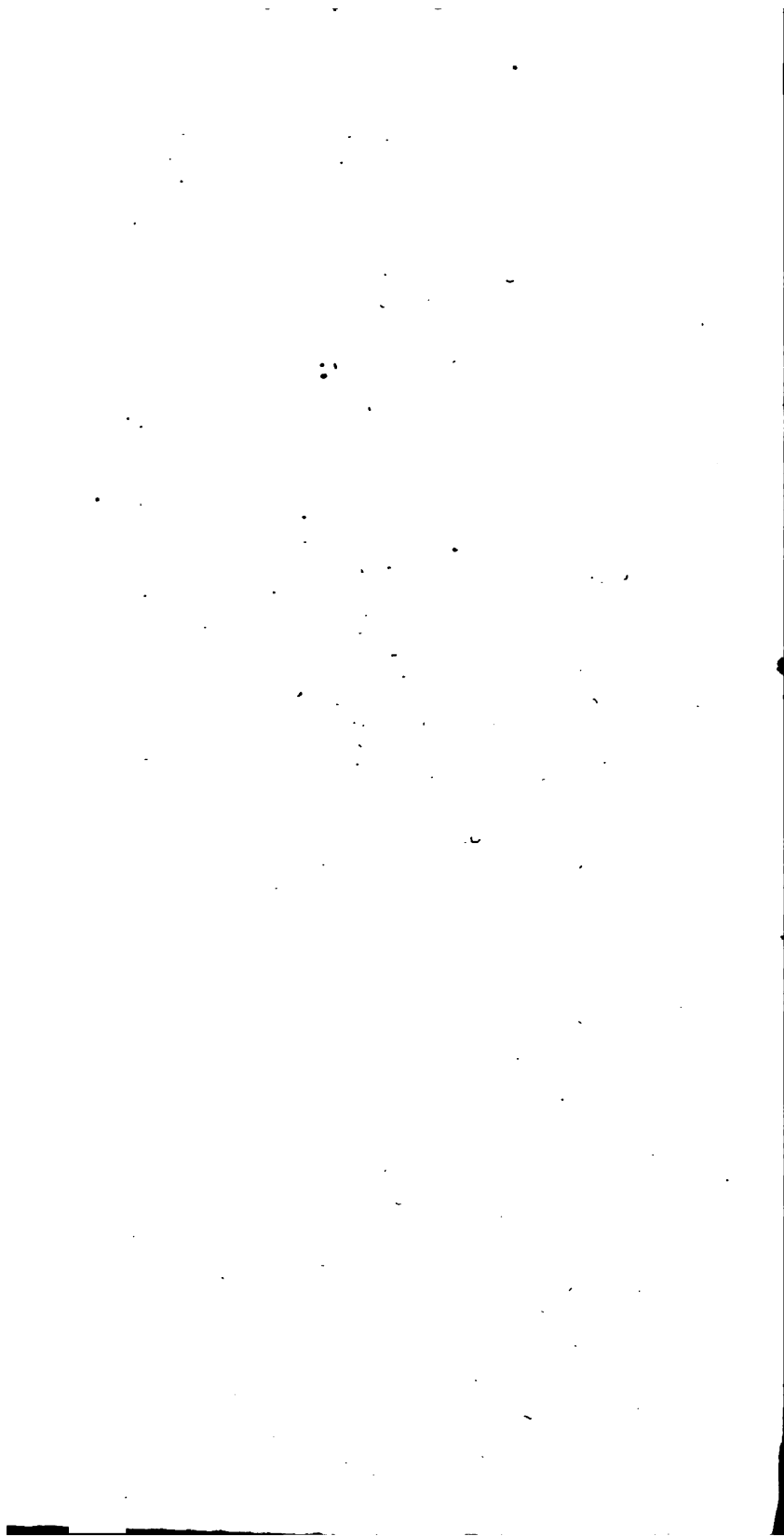
Whereupon,  
The President adjourned the Senate without day.

D. W. C. CLARKE, *Secretary.*





## APPENDIX.



## BANK COMMISSIONER'S REPORT.

*To the Governor of Vermont :*

THE undersigned, Bank Commissioner, respectfully reports that he has examined the several Banks in the State subject to the provisions of the Act regulating the chartering of Banks, and the following statement shows the condition of each of the Banks aforesaid :

### BANK OF BELLOWS FALLS.

#### LIABILITIES.

Stock,	\$50,000
Bills in circulation,	103,952 00
Deposits and Dividends unpaid,	13,442 66
	<hr/>
	\$167,394 66

#### RESOURCES.

Notes and drafts discounted,	\$120,134 54
Due on book,	4,851 04
Specie,	6,635 91
Bills of other banks,	219 00
Deposits in Boston,	31,492 70
Real estate,	1,700 00
	<hr/>

Oct. 1, 1841. \$175,033 19

### BANK OF WOODSTOCK.

#### LIABILITIES.

Stock,	\$50,000 00
Bills in circulation,	95,444 50
Deposits,	5,021 71
	<hr/>
	\$150,466 21

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RESOURCES,	
Notes discounted,	\$136,265 74
Due on book,	2,431 55
State orders,	226 62
Specie,	4,349 33
Bills of other banks,	2,123 15
Deposits in Boston and Troy,	8,458 57
Real estate,	3,000 00
<hr/>	
Sept. 20, 1841.	\$156,854 96

## BANK OF MIDDLEBURY.

LIABILITIES,	
Stock,	\$60,000 00
Bills in circulation,	90,478 00
Deposits,	16,518 37
Dividends unpaid,	548 25
Due other banks,	1,208 28
<hr/>	
	\$168,752 90

RESOURCES.	
Notes discounted,	\$92,673 87
Specie,	2,569 07
Bills and checks of other Banks,	9,694 50
Safety Fund,	2,700 00
Due from other Vermont banks,	1,391 28
Funds in Boston and Troy,	66,923 14
<hr/>	
Aug. 28, 1841.	\$175,951 86

## BANK OF MANCHESTER.

LIABILITIES.	
Stock,	\$70,000 00
Bills in circulation,	59,909 50
Deposits,	2,732 32
Dividends unpaid,	109 20
<hr/>	
	\$132,751 02

**APPENDIX.****3****RESOURCES.**

Notes discounted,	\$99,384 29
Specie,	16,548 57
Bills of other banks,	6,230 00
Deposits in New York and Troy,	11,897 42
Real estate,	4,672 57

July 27, 1841. \$138,682 85

**BANK OF NEWBURY.****LIABILITIES.**

Stock,	\$50,000 00
Bills in circulation,	83,424 00
Deposits,	8,662 41

\$142,086 41

**RESOURCES.**

Notes discounted,	\$112,174 30
Due on book,	13,668 24
Suspended debt (exceeding assessment,)	10,623 62
Specie,	3,674 58
Bills of other banks,	5,454 00
Deposits in Boston,	7,863 90
Banking house,	1,927 94

Oct. 6, 1841. \$155,386 58

**BANK OF ORLEANS.****LIABILITIES.**

Stock,	\$30,000 00
Bills in circulation,	41,750 00

\$71,750 00

**RESOURCES.**

Notes discounted,	\$54,251 00
Specie,	3,747 00
Bills of other banks,	7,350 00
Deposits in Boston,	7,472 00

Oct. 11, 1841. \$72,820 00



## APPENDIX.

## FARMERS BANK.

## LIABILITIES.

Stock,	\$60,000 00
Bills in circulation,	102,428 00
Deposits,	13,940 49
Dividends unpaid,	188 10
Due other Banks,	19 67

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\$176,576 26

## RESOURCES.

Notes discounted,	\$94,735 79
Specie,	8,242 20
Bills of other banks,	16,350 50
Due from other Vermont banks,	983 46
Deposits in Boston and Troy,	57,175 61
Banking house,	2,273 75

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Sept. 1, 1841. \$179,861 31

## BANK OF BRATTLEBORO'.

## LIABILITIES.

Stock,	\$75,000 00
Bills in circulation,	87,504 00
Deposits,	53,711 23
Due other banks,	6,257 75

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\$222,472 98

## RESOURCES.

Notes discounted,	\$123,539 28
Bank stock,	3,484 04
Safety fund,	2,137 50
Specie,	8,677 96
Bills of other banks,	2,784 00
Deposits in Boston, Troy, &c.,	83,046 24
Real estate,	2,702 98

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Aug. 7, 1841. \$226,372 00

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 BANK OF ST. ALBANS.
 

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## LIABILITIES.

Stock,	\$50,000 00
Bills in circulation,	117,027 00
Dividends unpaid,	2,024 00
Due other banks,	2,417 51
Deposits,	8,917 15
	<hr/>
	\$180,385 66

## RESOURCES.

Notes discounted,	113,120 71
Specie,	12,909 44
Bills of other Banks,	3,796 74
Due from other Vermont banks,	1,193 78
Due from Booth and Allerbury, N. Y., ex- } ceeding deposits,	10,345 83
Deposits in Troy and New York,	40,503 60
Banking house,	1,400 00
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May 25, 1841. \$183,270 10

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 BANK OF RUTLAND.
 

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## LIABILITIES.

Stock,	\$100,000 00
Bills in circulation,	116,756 00
Deposits,	15,390 43
Dividends unpaid,	866 00
	<hr/>
	\$233,012 43

## RESOURCES.

Notes discounted,	\$156,899 91
Specie,	3,502 58
Bills of other banks,	1,602 00
Due from other Vermont banks,	2,371 20
Deposits in Troy and Boston,	72,403 94
Banking house,	1,050 00
	<hr/>

Oct. 2, 1841. \$237,829 63

**BANK OF MONTPELIER.****LIABILITIES.**

Stock,	\$37,500 00
Bills in circulation,	81,867 00
Deposits,	9,948 19
	<hr/>
	\$129,315 19

**RESOURCES.**

Notes discounted,	\$86,197 50
Due on book,	10,430 58
Specie,	3,124 18
Bills of other banks,	4,105 00
Treasury notes,	5,194 34
Due from other banks and deposits in Boston,	18,872 86
Banking house,	2,600 00
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Oct. 4, 1841. \$130,524 66

**BANK OF VERGENNES.****LIABILITIES.**

Stock,	\$80,000 00
Bills in circulation,	80,365 00
Dividends unpaid,	591 60
Due to other banks,	4,537 58
Drafts unpaid,	1,425 74
Deposits,	26,049 79
	<hr/>
	\$192,969 71

**RESOURCES.**

Notes and drafts discounted,	\$170,230 11
Due on book,	111 17
Specie,	6,745 50
Bills of other banks,	12,799 00
Due from other banks,	3,513 06
Bank stock,	760 00
Real estate,	1,651 47
	<hr/>

Sept. 1, 1841. \$195,810 31

**BANK OF CALEDONIA.****LIABILITIES,**

Stock,	\$50,000 00
Bills in circulation,	48,106 00
Drafts unpaid,	1,423 05
Dividends unpaid,	114 75
Deposits,	3,558 50

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\$103,202 30

**RESOURCES.**

Notes discounted,	\$70,729 82
Due on book,	7,673 84
Specie,	7,714 23
Bills of other banks,	8,471 16
Deposits in Boston,	9,298 01
Real estate,	2,000 00

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\$105,887 06

Oct. 1, 1841.

**BANK OF POULTNEY.****LIABILITIES,**

Stock,	\$50,000 00
Bills in circulation,	55,096 00
Deposits,	1,231 41

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\$106,327 41

**RESOURCES,**

Notes discounted,	\$67,288 66
Specie,	6,072 21
Bills of other banks,	1,800 00
Due from other Vermont banks,	5,390 00
Deposits in Boston and Troy,	26,186 52

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\$106,737 39

Oct. 2, 1841.

The foregoing statement shows that the banks continue to be managed with due regard to the public safety and the interest of the stockholders. And it is believed that the bill holders will not suffer by any of the banks subject to the safety fund act, so long as the stock remains in the hands of the present owners ; but efforts continue to be made by per-

sons in other states to get the control of our banks, for the purpose of using the bills in other states to discount drafts and notes, and then purchase the bills thus put in circulation, at a discount, to be again used for the same purpose.

In order to answer their purposes, these speculators require a bank authorized to issue a large amount of bills in proportion to its capital, the stock of which can be owned, and the direction controlled, by residents of other states, and the bills not redeemed at par in Boston. Consequently the banks, subject to the provisions of the laws passed in 1839 and 1840, will not answer their purpose. It is therefore respectfully suggested for the consideration of the General Assembly, whether it would not be expedient, by a general law, to authorize any of the banks chartered previous to 1840, to make themselves subject to the restrictions, and thereby to be entitled to all the immunities of the banks chartered at the last session.

An act was passed at the last session of the General Assembly extending the charter of the Bank of Bennington for the term of two years. That Bank was notified in December last, that it would be required to comply with all requisitions of the general laws applicable to the re-charter of a bank, or it would not be permitted to proceed, under the act extending its charter. The bank thereupon signified to the undersigned that it claimed nothing by virtue of the act extending its charter. Its charter therefore expired on the first of January last.

From the report of the committee appointed by the General Assembly to examine that bank, its condition can be ascertained on the 23d of August last, and in the opinion of the undersigned, it shows the expediency of authorizing the Bank Commissioner, or some other officer of the government, to make an application to the Court of Chancery, agreeably to 18th section of the 79th chapter of the Revised Statutes.

All which is respectfully submitted.

R. PIERPOINT,

Montpelier, Oct. 14, 1841.

## REPORT OF THE BANK COMMITTEE.

The undersigned, having been appointed a committee to examine into the situation of the several Banks in the State not subject to the provisions of the safety fund act, makes the following report of the condition of the several banks aforesaid.

### BANK OF BURLINGTON.

#### LIABILITIES.

Capital stock,	\$150,000 00
Bills in circulation,	110,877 00
Dividends unpaid,	827 76
Deposites,	25,202 47
	<hr/>
	\$286,907 23

#### RESOURCES.

Discounted notes and bills of exchange,	\$252,043 02
Due from State of Vermont,	5,000 00
Deposits in Boston, Troy and New York,	24,640 92
Bills of other banks and specie,	23,766 69
Banking house,	10,558 42
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Sept. 2, 1841.	\$316,009 05
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### BANK OF ORANGE COUNTY.

#### LIABILITIES.

Capital stock,	\$70,000 00
Bills in circulation,	114,573 00
Deposits and unpaid drafts,	4,935 99
	<hr/>
	\$189,508 99

#### RESOURCES.

Notes discounted and due on book,	\$126,097 72
Suspended debts,	17,965 20
Specie and bills of other banks,	14,250 21
Deposits in Boston,	27,250 75

Drafts on Boston forwarded,	11,100 34
Stock in Market Bank,	4,500 00
Real Estate,	2,000 00

Oct. 12, 1841. \$203,164 22

### BANK OF BENNINGTON.

#### LIABILITIES.

Capital stock,	\$87,770 00
Bills in circulation,	169,902 00

\$257,672 00

#### RESOURCES.

Notes discounted,	\$156,965 53
Specie and bills of other banks,	4,676 45
Due from other banks, and funds in Troy, N. York, and Albany,	86,400 04
Due on book,	6,155 88
Banking house,	3,992 34

Aug. 23, 1841. \$258,190 24

Of the notes discounted, there is the sum of \$28,722 00 in notes of long standing, some of which were secured by mortgage of real estate that has depreciated in value, and it is believed that the principal part of that amount will be lost.

The Bank of Windsor has not done any business for the past year, except in the collection of the debts due the bank, and the redemption of its bills presented for payment. A scire facias is now pending in Windsor county against the Bank, and a final judgment thereon may be expected at the next term of the Supreme Court in that county.

R. PIERPOINT.

Oct, 14, 1841.

# REPORT OF THE AUDITOR IN THE TREASURY DEPARTMENT.

## *To His Excellency the Governor of the State of Vermont :*

The undersigned, Auditor in the Treasury, having examined the situation of that Department, as exhibited by the books of the Treasurer, and the papers and vouchers in corroboration of the Treasurer's accounts, for the current year, ending on the 30th day of September, A. D. 1841, takes leave to make the following report.

## *The State of Vermont in account with Henry F. Janes, Treasurer of the State,* Dr.

To balance due the Treasurer, as by Auditor's report of Sept. 30, 1840,	\$9,539 33
cash paid debenture of General Assembly,	13,016 69
debenture of Electors of President and Vice President,	120 00
canvassers of votes for Preseident and Vice President,	320 38
Gov. Jenison balance of last year's salary, \$450	
Gov. Jenison in part of present year's salary, 600—1,050 00	
Judges of Supreme Court in part of their salaries, to wit: am't rec'd by Judges in all, \$5,744 35	
Deduct fees received in civil suits, 1,604 99—4,139 36	
Supreme and County Court orders,	23,602 43
Auditor's orders,	6,946 68
C. L. Knapp, Sec'y of State, one half of last year and one half of this year's salary,	287 50
F. F. Merrill, Clerk of House, his salary semi-ann'y,	275 00
P. T. Washburn, Assistant Clerk, half year's salary,	62 50
Norman Williams, Sec. Senate, half year's sal. for last year,	137 50
D. W. C. Clarke, Sec. to Senate, half year's salary,	125 00
E. A. Stansbury, Assistant Sec'y to Senate, half year's salary,	62 50
G. B. Manser, Sec'y of Civil and Military Affairs, one year's salary,	200 00
Oel Billings, Engrossing Clerk, half of last year and half of present year's salary,	162 50
A. D. Arms, Librarian, half of last year and half of present year's salary,	75 00
Wm. Weston, Reporter of decisions of Supreme Court, one quarter last year and three quarters' salary this year,	450 00
Wm. Weston, Ass't. Sec'y to Senate,	75 00
D. Pierce, Auditor of Accounts, one year's salary,	150 00



To cash paid J. L. Buck, Ass't Clerk of House for last year, half year's salary,		75 00
E. S. Camp, Sergeant-at-arms, his salary,		75 00
F. W. Hopkins, Adjutant and Inspector General, balance last year and in full this year's salary,		400 00
H. F. Janes, Treasurer and Commissioner of the School Fund, four quarters' salary,		500 00
Commissioners of the Deaf, Dumb, and Blind—		
for the benefit of the deaf and dumb,		2,299 10
for the benefit of the blind,		729 41
Trustees of Insane Hospital,		2,000 00
Superintendent of State's Prison,		3,000 00
drafts of commandants of regiments and of Adjutant General for expense of drills, &c.		2,670 44
special appropriations by acts of legislature,		2,571 18
for transporting weights &c. from New York,		3 50
for purchase of set of dry measures,		10 00
Fox certificates,		2,051 50
Bear do		253 00
Wolf do		60 00
Crow do		3 80
Cocoon and Silk premiums,		1,246 78
town of Woodford, interest on surplus money,		56 58
Canaan, do do do		53 44
Concord, do do do		147 67
Vergennes, do do do		143 09
Williston, do do do		230 32
St. George, do do do		19 33
Marlboro', do do do		174 46
interest on advances to Bank of Orleans,		23 95
Farmers' Bank, Orwell,		3 40
Orange County Bank,		43 22
Bank of Montpelier,		18 81
Bank of Burlington, loan of \$5,000,		300 00
interest to Bank of Orleans on safety fund,		250 00
on note to A. Willard on loan to State of \$5,000,		300 00
to J. R. Langdon, loan to State of \$5,000, to Aug. 10, 1840,		316 36
to J. R. Langdon, loan to State of \$5,000, to Aug. 1841,		300 00
to H. Vail,		75
balance in the Treasury,		3,794 81
		<b>\$84,922 87</b>
		<b>Cr.</b>
By cash received for taxes, principal,		\$67,866 12
for interest on arrearages of taxes,		1,066 73
of the several State's Attorneys,		1,804 27
of Clerks of Supreme and County Courts,		1,433 82
principal paid on school fund notes,		1,688 08
interest paid on school fund notes,		2,697 57
for pedlars' licences,		1,359 26

# APPENDIX.

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By cash received of Quarter Masters in the militia,	15 00
of S. & R. M. Beach, on note to State Treasurer,	26 40
Bank Commissioners' fees, included in Auditor's order,	
transferred to safety fund,	124 00
received from Banks, dividends for school fund,—	
Farmers' Bank,	\$785 29
Bank of Burlington,	729 84
Bank of Orleans,	180 00
Bank of Bennington,	240 00
Bank of Rutland,	710 60
Bank of Vergennes,	288 00
Bank of Manchester,	310 00
Bank of Orange County,	480 00
Farmers' & Mechanics' Bank,	960 00
safety fund contributions from sundry	
banks,	\$2,028 81
deduct Commissioners' fees,	124 00—1,904 81
for interest on moneys of said fund, loaned to	
individuals,	233 08
	<hr/>
	\$84,922 87

All which is respectfully submitted.

JOSEPH BERRY, Auditor.

SEPTEMBER 30, 1841.

## TREASURER'S REPORT ON THE SAFETY FUND.

TREASURER'S OFFICE, }

Montpelier, Oct. 13, 1841. }

SIR: I herewith transmit a statement showing the condition of the Safety Fund on the 30th Sept. A. D. 1841.

I have the honor to be,  
very respectfully,  
your ob't serv't,

HENRY F. JANES, Treasurer.

His Excellency the Governor.

There has been received in the whole for the benefit of the Safety Fund, including the interest annually charged to the State of Vermont,	26,436 85
Upon which is chargeable for Bank Commissioners fees,	496 50
Cash returned to Bank of Middlebury, for over payment,	50
Interest paid in part to Bank of Orleans,	250
	796 50

\$25,640 35

Leaving a balance in favor of said Fund, including the interest to be paid by the State to the several Banks on their contributions,
 \$25,640 35 |

There is loaned of the aforesaid sum of \$25,640 35 to individuals for which the Treasurer holds their notes,
 3,219 42 |

To the State of Vermont, the interest to Sept. 30th, 1841 included,
 22,420 93 |

25,640 35

HENRY F. JANES, Treasurer.

Oct. 13, 1841.

## REPORT OF THE AUDITOR UPON THE SCHOOL FUND.

*To his Excellency, the Governor of the State of Vermont.*

The undersigned, auditor in the Treasury, in pursuance of the requirements of the law of this State, having examined the situation of the school fund, as exhibited by the books of the Commissioner and the vouchers in that department up to the 30th day of September 1841, takes leave to report the following as the condition of said fund, on that day, with a statement of the operations connected therewith during the year preceding.

It appears from the books of the Commissioner, as also from the report of the auditor in this department, that said fund on the 30th day of September 1840, exclusive of interest due from the State and from individuals, amounted to \$126,643 48, which has accrued since the enactment of the law, establishing said fund, from the various sources applicable thereto, as designated by the law, of which the sum of \$84,400 67 was lying on interest as a loan to the state, and 42,242 81 as a loan on interest, to individuals secured by notes of hand, 126,643 48

The amount received from all sources during the past year, to be added to said fund is as follows—from bank dividends,

\$4,683 73

Pedlars licenses

1,359 26

Principal paid on school fund notes

1,688 08

Interest paid in on do

2,697 57

Amounting to

\$10,428 64

which being added to the sum of last year amounts to

\$137,072 12

From this should be deducted the above mentioned sum of

1,688 08

the principal paid in on the notes of individuals, leaving

\$135,384 04

as the amount of said fund exclusive of interest.

Which is respectfully submitted,

JOSEPH BERRY, Auditor.

September 30, 1841.

## AUDITOR'S ABSTRACT.

An abstract from the records of the Auditor of Accounts, of all orders drawn on the Treasurer of the State of Vermont, on accounts by him allowed, as Auditor of Accounts, since the 8th day of October, 1840, to this 5th day of October, 1841, inclusive, amounting to the sum of seven thousand and thirteen dollars and thirteen cents.

DATE.	NO.	CLAIMANTS.	SUM ALLOWED.
Oct 8, 1840.	1	A. Palmer, for State printing,	\$3 00
	2	Decius R. Pogue, sh'ff, for distributing packages,	24 50
	3	A. D. Arms, Librarian, for stationery,	4 87
9,	4	Riverius Camp, sh'ff, for distributing packages,	20 00
	5	Sabin Kellam, sh'ff, for like services,	18 00
	6	E. P. Walton & Sons, for State printing,	97 37
10,	7	Geo. A. Allen, sh'ff, for distributing packages,	16 00
	8	Sundry persons, for services at court martial,	21 75
	9	Town of Bridgewater, for error in State tax,	10 18
12,	10	D. E. Denison, for serving citation and injunction on Bank of Essex,	15 20
	11	Leonard Sargeant, Com'r Deaf and Dumb, for services in that office,	86 91
	12	Robert Pierpoint, Bank Commissioner, for time and expenses in that office,	104 00
	13	G. Webb, sh'ff, for distributing packages,	16 00
	14	Jno. Dewey, jailor, for boarding State prisoners,	10 00
13,	15	Gen. A. Soule, for attending court martial,	80
	16	Gary Whitney, sh'ff, for distributing packages,	9 00
14,	17	A. G. Whittemore, Com'r Deaf and Dumb, for time and expenses in that office,	22 50
	18	Town of Panton, for error in State tax,	4 33
15,	19	F. F. Merrill, Clerk &c., for stationery,	45
	20	Ch's Davis, for auditing Treasurer's accounts,	38 05
	21	John Dewey, Com'r Deaf and Dumb, for balance due in that service,	1 00
	22	Richard Fiske, sh'ff, for distributing packages,	10 00
16,	23	Town of Burlington, for boarding State paupers,	57 17
	24	Same, for error in State tax,	10 99
	25	Town of Burke, for error in State tax,	19 74
	26	Geo. E. Holmes, sh'ff, for distributing packages,	12 00
20,	27	John Starkweather, sh'ff, for like services,	10 00
	28	Gates Perry, sh'ff, for like services,	18 44
22,	29	J. Starkweather, sh'ff, for bal. distributing, &c.	10 00
	30	Anson Davis, jailor, for boarding State pris'rs,	126 37

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DATE.	NO.	CLAIMANTS.	SUM ALLOWED.
Oct. 22, 1840.	37	John Currier, sh'ff, for distributing packages,	15 00
23,	38	Stephen Dole, Maj. Gen., for drilling militia,	46 62
	39	P. G. Camp, jailor, for boarding State prisoners,	2 41
	40	L. B. Peck, Com. to revise statutes, for expenses to Burlington to contract for printing,	5 75
26,	41	C. L. Knapp, Sec'y of State, for postage, official, &c.	4 03
27,	42	E. P. Walton & Sons, for stationery, &c.	165 16
	43	E. H. Prentiss, Sergeant-at-arms, for paid sundries and for help about State House,	486 15
	44	E. S. Camp, for do do	109 51
	45	Robert Pierpoint, Bank Com'r, for five days' time in that service,	20 00
28,	46	E. P. Walton & Sons, for stationery, printing, binding, &c.	872 00
	47	His Excellency Gov. Jenison, for bill of postage, &c.	19 16
	48	E. P. Walton & Sons, for stationery,	8 59
	49	Town of Randolph, for error in State tax,	50 02
	50	J. T. Marston, for State printing,	12 80
29,	51	E. H. Prentiss, Sergeant-at-arms, for paid stationery and service at State House,	29 09
	52	H. F. Janes, Treas., for postage and stationary,	38 16
Nov. 11,	53	Gen. T. B. Ransom, for drilling militia,	68 34
17,	54	Chauncey Goodrich, for State printing, journals, &c.	16 37
23,	55	Martin Roberts, Maj. Gen., for drilling militia,	74 94
	56	Sundry persons, for services at court martial,	50 30
27,	57	Wm. Hewes, for State printing,	15 00
29,	58	Ephraim Maxham, for State printing,	30 00
Dec. 4,	59	Tracy & Severance, for like service,	15 00
5,	60	L. S. Noble, jailor, for boarding State prisoners,	44 93
	61	George Nichols, for State printing,	15 00
	62	John Kelsey, jailor, for boarding State prisoners,	23 71
7,	63	Barber & Stearns, for State printing,	15 00
	64	C. H. Severance, for like service,	15 00
8,	65	C. G. Eldridge, for like service,	15 00
	66	Bishop & Winslow, for like service,	14 85
9,	67	Hunting & Robinson, for like service,	15 00
10,	68	H. B. Stacy, for like service,	15 00
14,	69	O. S. Murray, for like service,	14 85
	70	C. L. Knapp, Sec'y &c. for paid printing, franking books, postage, &c.	32 11
15,	71	C. G. Eastman, for State printing,	15 00
	72	Haskell & Palmer, for like service,	15 00
	73	J. C. Haswell, for like service,	15 00
16,	74	B. H. Tuttle & Co., for like services,	15 00
19,	75	Rich'd Fish, sh'ff, for boarding State prisoners,	65 65
22,	76	J. Dorrance, jailor, for boarding State prisoners,	87 95
23,	77	Zerah Lull, jailor, for like service,	28 60
28,	78	Esec Atwood, jailor, for like service,	21 72
	79	E. B. Whitney, for State printing,	14 84

DATE.	NO.	CLAIMANTS.	SUM ALLOWED.
Jan. 1, 1841.	80	Chauncey Goodrich, for State printing,	277 49
6,	81	Nath'l Daggett, jailor, for boarding State pris'rs,	37 50
16,	82	Ira Parsons, sh'ff, for like services,	30 65
23,	83	John A. Conant, for publishing acts of 1840,	15 00
Feb. 11,	84	Wm. E. Ryther, for the like service,	15 00
15,	85	John W. Moore, for the like service,	15 00
20,	86	Ira Parsons, sh'ff, for boarding State prisoners,	63 93
	87	E. H. Prentiss, Serg't-at-arms, for paid labor about State House,	47 69
	88	H. T. White & Co., for State printing, stationery, &c. for militia,	49 95
March 4,	89	E. P. Walton & Sons, for printing, stationery, &c.,	859 84
	90	L. S. Noble, jailor, for boarding State prisoners,	43 70
12,	91	Esec Atwood, jailor, for like service,	15 42
13,	92	Anson Davis, jailor, for like service,	175 48
16,	93	E. S. Camp, Serg't &c., for paid for wood,	44 00
	94	A. G. Chadwick, for State printing,	15 00
April 3,	95	P. G. Camp, jailor, for boarding State pris'rs,	93 87
	95	Sweat & Jackman, for State printing,	20 00
	94	Geo. B. Manser, Sec'y &c., for paid postage,	9 71
23,	96	Anson Davis, jailor, for boarding State pris'rs,	73 83
May 3,	97	Palmer & Thayer, for doctoring State pris'rs,	9 00
5,	98	Ira Parsons, sh'ff, for boarding State prisoners,	62 83
8,	99	Sam'l Swift, Clerk Addison County Court, for travel and time to canvass votes for Council of Censors,	18 64
	100	Wm. H. Russel, Cl'k Grand Isle County, for like service,	22 10
	101	Sam'l B. Mattocks, Caledonia, for like services,	11 10
	102	P. G. Camp, Lamoille, for like services,	9 32
	103	L. B. Webb, Essex, for like service,	20 90
	104	Joseph H. Brainard, Franklin, for like service,	18 04
	105	Stillman Churchill, Washington, for like service,	5 12
	106	Geo. A. Allen, sh'ff, Chittenden, for like service,	12 30
	107	F. W. Hopkins, Rutland, for like service,	19 98
	108	Robbins Densmore, Orange, for like service,	10 14
	109	H. M. Bates, Orleans, for like service,	16 00
	110	Sam'l H. Blackmer, Bennington, for like service,	39 20
9,	111	D. R. Bogue, jailor, for boarding State pris'rs,	303 05
	112	Norman Williams, for paid cash for seals for Courts Chancery,	63 00
10,	113	Esec Atwood, jailor, for boarding State pris'rs,	23 43
June 3,	114	L. S. Noble, jailor, for like services,	62 24
18,	115	Joel Lull jr., sh'ff, for distributing packages,	24 00
25,	116	G. H. Smith, sh'ff, for boarding State pris'rs,	152 72
30,	117	Eben'r Eaton, for publishing acts passed Oct 1840,	15 00
July 2,	118	Joseph Poland, for like service,	15 00
8,	119	S. H. Jenison, Governor, for postage on official correspondence,	2 74
	120	Wm. B. Martin, sh'ff, for distributing packages,	13 50
15,	121	Nath'l Daggett, jailor, for boarding State pris'rs,	6 34

## APPENDIX.

19

DATE.	NO.	CLAIMANTS.	SUM ALLOWED.
Aug. 4, 1841	122	Esec Atwood, jailor, for like services,	60 08
10,	123	Sundry persons, for services at court martial at Hydepark,	249 90
Sept. 13,	124	F. W. Hopkins, Adjutant and Inspector General, for postage on military affairs,	45 00
	125	L. S. Noble, jailor, for boarding State pris'rs,	43 24
	126	Sundry persons, members of committee of inquiry at St. Albans, for time and expenses,	11 17
14,	127	Robert Pierpoint, Bank Commissioner, for inspecting banks,	144 00
22,	128	Zerah Lull, jailor, for boarding State pris'rs,	58 25
29,	129	Ira Parsons, for like service,	51 50
	130	George B. Shaw, for reading proof sheets to revised statutes,	15 00
Oct. 4,	131	J. E. & H. Roberts, for publishing acts of 1840,	15 00
5,	132	Norman Williams, Clerk Windsor Co. Court, for time, travel, &c., to canvass votes for Council of Censors,	13 50
			<b>\$7,013 13</b>

AUDITOR'S OFFICE, Woodstock, }  
 October 5th, 1841.

I hereby certify, that the foregoing is a just and true abstract of all orders drawn on the Treasurer of the State of Vermont, on accounts by me allowed as Auditor of Accounts, since the eighth day of October, 1840, to and including this fifth day of October, 1841, amounting to the sum of seven thousand thirteen dollars and thirteen cents. \$7,013 13.

DAVID PIERCE, Auditor of Accounts.

HIS EXCELLENCY, GOVERNOR &c. &c.



FIFTH  
**ANNUAL REPORT,**  
OF THE TRUSTEES OF THE  
**VERMONT ASYLUM FOR THE INSANE.**

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**OFFICERS OF THE ASYLUM.**

BOARD OF VISITORS,

**HON. CHARLES K. WILLIAMS,**  
" **STEPHEN ROYCE,**  
" **JACOB COLLAMER,**  
" **ISAAC F. REDFIELD,**  
" **MILO L. BENNETT.**

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TRUSTEES,

**SAMUEL CLARK, ESQ.**  
**EPAPHRO' SEYMOUR, ESQ.**  
**ASA KEYES, ESQ.**  
**N. B. WILLISTON, ESQ.**

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SUPERINTENDENT AND PHYSICIAN,  
**WILLIAM H. ROCKWELL, M. D.**

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ASSISTANT PHYSICIAN,  
**DOCT. SAMUEL B. LOW.**

---

MATRON,  
**MRS. ANN F. WILKINSON.**

## REPORT.

*To the Hon. the General Assembly of the State of Vermont :*

The Trustees of the Vermont Asylum for the Insane respectfully present their fifth annual

### REPORT :

The Institution has now been nearly five years in successful operation. Notwithstanding the continual enlargement of the buildings, the number of patients has generally exceeded the accommodations. In consequence of the appropriation made by the Legislature at their last session, the trustees have erected the left wing of the Asylum, which will enable them to receive all patients who may be presented for admission. The new wing will be finished in a few weeks. So numerous had been the applications for admission, it was found the wings of the new building should be of greater length than was originally contemplated. The wing erected the present season, is twenty-seven feet longer than the other, which will also be lengthened as soon as the funds of the Asylum will admit, that the symmetrical proportions may be preserved, and greater accommodations furnished.

Since the opening of the establishment, three hundred and twenty-three patients have been admitted. Two hundred and twenty-eight have been discharged, and ninety-five remain in the institution. Of those discharged, one hundred and thirty have been restored to reason and usefulness.—Sufficient has already been accomplished, to amply compensate for all the expenses which have been incurred in erecting and supporting the institution. But when we contemplate the future beneficial results which will probably attend its operations, we feel greatly encouraged to persevere in this benevolent enterprise.

From a review of the past year, the trustees feel a high degree of satisfaction in being able to assure the Legislature of this State that there have been unceasing exertions, on the part of the resident officers and assistants, to render the institution worthy of public confidence and patronage. Many of the patients have been restored to reason, and others have been greatly improved in their habits and condition. There has been no epidemic, and an unusual degree of health has prevailed. No suicide or severe injury has happened to any person, (patient or otherwise,) connected with the Asylum, since it was first opened ; and an unceasing and untiring care and vigilance has ever been manifested for the welfare of the inmates.

It is a source of gratification to the trustees that we have so healthy a

location and salutary regulations. From accurate statistical reports, the proportion of deaths is smaller at this Asylum than at any other similar institution in the United States. Since the opening of this Asylum there have been but fifteen deaths; or about four and a half per cent.

In consequence of the enlargement of the building by the erection of the new wing, and the desire to extend its benefits as much as possible to every class of the community, the trustees have made still greater reduction in the terms of admission. They were enabled to do this by the increased number of patients, which yield a greater income without a corresponding increase of expenses, as the number of officers remains the same.

The farm continues to afford cheerful and healthy exercise to the patients, which in an eminent degree conduces to their restoration. It is also a considerable source of income, enabling the trustees to diminish the expenses of the patients. When the institution shall have sufficient funds to enlarge the farm, still greater reductions will be made in the terms of admission.

The present state of the financial concerns of the institution cannot now be exhibited, on account of the present severe and protracted illness of the Treasurer. It will be seen by the Superintendent's report, that the income, arising from the proceeds of the farm and the board of the patients, is fully equal to the expenditures, which include the salaries of the officers, as well as the other current expenses.

The mode of treatment which is practised at this Asylum, and which has been attended with such signal success, has ever commanded our entire approbation. The discipline of former times, which consisted in the exhibition of physical force, and awing the patients into submission, the object of which was the security of the patient and the public, has never been introduced into this institution. In its moral management, it is made the duty of every officer and assistant to endeavor to secure the confidence and good-will of the patients. For this purpose, they are treated with the greatest kindness and forbearance. They are made to understand, as far as they are capable, that whatever restraints are necessary are not applied for the purpose of punishment, but for their own benefit. They are promoted in their classification as soon as they have the power of self-control, which operates as a powerful inducement to make proper efforts to retain their places. They are never subject to any personal restraint unless to prevent violence, or the destruction of property.

The sewing parties of the females have been continued as formerly, and with the best results. So highly do the patients consider the privilege of attending them, that many who are wild and boisterous in the halls, will control their feelings during an afternoon while at these assemblies. There are also frequent quilting and sewing parties in the halls. All the bedding for the new wing, as well as all the regular sewing for the asylum, has been done by the patients under the direction of the matron and nurses. The consciousness of doing something for their fellow sufferers, affords them grateful reflections. For the means of furnishing cheerful employment for the patients, as well as for the cleanliness and neatness of the building, together with the performance of many other arduous duties, great credit is due to the matron for her prudent and successful management.

While reviewing the success of the institution, the trustees would gratefully notice the ability and zeal of the superintendent, to whose ac-

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ute discernment, scientific skill, judicious management, and persevering efforts, are to be mainly attributed the prosperity and usefulness of the Asylum.

SAMUEL CLARK,  
EPAPHRO' SEYMOUR,  
ASA KEYES,  
N. B. WILLISTON.

Brattleboro' Oct. 4th, 1841.

## ABSTRACT

OF THE GENERAL EXPENDITURE FOR THE ASYLUM, FOR THE YEAR  
ENDING SEPT. 30, 1841.

Stores, provisions, &c.	-	-	\$7,293	21
Salaries and wages, -	-	-	2,836	92
Medical supplies, -	-	-	264	74
Furniture and repairs, -	-	-	766	54
Contingencies, -	-	-	387	72
			<hr/>	
			\$11,549	13

The income from board of patients, &c.      \$11,839 26

WILLIAM H. ROCKWELL, *Superintendent.*

Brattleboro', October 2, 1841.

The patients have been from the following States :

From Vermont,	-	-	83
Maine, -	-	-	1
New Hampshire,	-	-	28
Massachusetts,	-	-	10
New-York,	-	-	39
Georgia,	-	-	1
Louisiana,	-	-	1
Territory of Iowa,	-	-	1
Island of Bermuda,	-	-	1
			165

FIFTH ANNUAL REPORT  
OF THE PHYSICIAN AND SUPERINTENDENT OF THE  
VERMONT ASYLUM FOR THE INSANE

The number of patients remaining at the close of the year,	81
There have been admitted during the year,	84
Total enjoying the benefits of the Asylum,	165
There have been discharged during the year,	70
There remains October 1st, 1841,	95
Of the 70 cases discharged there are	
Recovered,	41
Not recovered,	25
Died,	4
	70
Of the 35 recent cases discharged, there have	
Recovered,	31
Not recovered,	3
Died,	1
	35
Of the 35 chronic cases discharged, there have	
Recovered,	10
Not recovered,	22
Died,	3
	35
Recovered of all the cases discharged the past year	58 4-7 per cent.
" " the old cases discharged the past year	28 4-7 per cent.
" " the recent cases discharged the past year	88 4-7 per ct.
" " the cases discharged,	57 per cent.
" " the old cases discharged	28 3-4 per cent.
" " the recent cases discharged	89 1-5 per cent.

In reviewing the events of the past year, we are grateful in the retrospect of having had no epidemic or prevalent disease, no suicide or elopement, and no accident to any patient, officer or attendant of the Institution. We have enjoyed a degree of health and comfort, and have been prospered with a measure of success, which demands our gratitude to that beneficent Being to whom we are indebted for every good.

We have had no prevalent sickness, but we have not been exempt from that degree of mortality which necessarily attends all similar institutions. We have had but four deaths, three of whom were of our incurable class, and one was seventy-seven years of age.

We rejoice that we have so healthy a location. The mountain air is very favorable for the health of our inmates. Our male patients have been employed in agricultural pursuits, and other employments in the open air, more than those of any other similar institution in this country. We also amuse them by walking, riding, playing ball, quoits, and other various out-door amusements. Our female patients are taken out for riding, walking, visiting the garden and culling its flowers, of which we have a great variety. We endeavor to have all of our female patients, who are sufficiently quiet, to ride every fair day. Those that are wild are frequently taken out to walk about the premises.

It will be seen that a far greater proportion of recent cases recover than of those which are of longer standing. It is very desirable that the insane should be placed under proper curative treatment in the earlier stages of the disease. We all know how much sooner other diseases yield to proper medication at their commencement, and it is much more necessary in cases of insanity. But in cases of longer duration, we have many recoveries. Of those whose disease is not of more than three years duration, many recover, and of those cases which are of many years standing, there is now and then a recovery; and what is of great importance, many are so much improved as to become agreeable inmates of a family, and are capable of supporting themselves.

We rejoice in the enlargement of our building the past season. We have suffered for want of sufficient accommodations. Our prospects are now fair that we shall be able to receive all who may apply for admission. We are also enabled to make a greater classification, which is of great importance in the treatment of the insane. We now have quiet and spacious accommodations for those who may be taken sick, where they can receive proper attention, free from all annoyances, and where their immediate relations and friends can, if they desire, administer to their comfort and relief.

A proper classification of the patients of a lunatic asylum is of great importance in their moral treatment. The continued efforts to self-control and self respect, which they make to retain their places, or to be promoted, contribute much to their improvement and restoration. The desire of the good opinion of others, is so universal a principle of our nature, that whatever calls it into proper exercise, has a favorable effect in counteracting those morbid propensities with which the insane are so often afflicted. All our attendants and assistants have it repeatedly impressed on their minds, as a fundamental principle of our treatment, that they are at all times to treat every patient with due respect, and that to neglect this rule, is to neglect one of our principal means of recovery.

Of the various exercises in which our patients partake, none appear to produce such favorable results as those of some useful employment, which varies with each patient according to his former education, habits and taste. Other exercises and amusements are great auxiliaries to their comfort and recovery. It is a great object with us that the mind of every patient shall be pleasantly employed on some other subjects than those of his delusions.

We have a library of between three and four hundred volumes, which are furnished for the patients according to their taste and state of their minds. A much less number of books is destroyed, than would at first be supposed, considering the condition of many of the readers. We take several periodicals, besides newspapers from the different parts of this and the adjoining States. I would not fail at this time to present our grateful

acknowledgements to the editors and publishers of those newspapers which have been so generously given for the benefit of the inmates of this Asylum. Newspapers are more eagerly sought and read than books, and are better adapted to many of our patients. Many will take a newspaper and read here and there a paragraph, who will not open a systematic treatise. Our patients are also furnished with stationery for writing. If they do not write on subjects connected with their delusions, their minds are diverted and favorable results will follow.

We have a carpenter's shop for those of our patients who have been accustomed to use its tools. We have had several respectable and ingenious mechanics, who have rejoiced during their convalescence, that they were able to assist us in our benevolent enterprise. Their assistance has been duly appreciated. The female patients, besides those who have engaged in fine needlework, have greatly assisted in preparing the bedding for the new wing which has just been erected. Many of them have engaged in the work with a laudable zeal, and from the purest motives to relieve the sufferings of the afflicted. We trust their labors have been approved by Him who has said, "inasmuch as ye have done it to one of the least of these, my brethren, ye have done it unto me."

Our male patients amuse themselves by playing billiards, chess, backgammon, draughts, cards, and other pleasant games. Our female patients play battledoor, graces, chess, backgammon, and those who have been taught, play on the piano, which serves to beguile their own time, and gratify the other patients. One of the patients, who was duly qualified, gave lessons on the piano to some of the convalescents.

Now the building is so nearly completed, we shall immediately commence our endeavors to beautify and improve the grounds around it. Considerable shrubbery and many shade trees must be transplanted, which will afford much pleasant employment for the patients. All that we can interest in these works of improvement and ornament, as well as those we employ in the garden and on the farm, are not only our most contented and happy class of patients, but are the first to recover.

We have been very fortunate in obtaining attendants and nurses who, by their humanity, intelligence, faithfulness and integrity, were qualified for their important trust. No similar institution in the world has better assistants than those of this Asylum. We have made their employment a respectable as well as an important one, and many of them, we trust, endeavor, in some humble degree, to imitate the example of Him who, while on earth, went about doing good, binding up the broken heart, and restoring the lunatic to the right use of his reason. We never employ any to whom we would not confide our dearest friends.

The effects of our religious exercises have been very beneficial. All who are in a proper condition attend them, and to many they are the source of the greatest comfort. We have had religious exercises from the commencement of our operations. In no instance, do we recollect of their being injurious to any individual, and to many they have been of great benefit.

In conclusion, the Superintendent would make honorable mention of all who have been associated with him, for their faithful and cheerful co-operation, by which his duties have been performed with comparative ease and enjoyment. Cheered by the success which has already attended our



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labors, we are encouraged to persevere with renewed zeal in this work of benevolence and humanity.

WM. H. ROCKWELL,

Brattleboro', Oct. 1st, 1841.

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#### TERMS OF ADMISSION.

For convenient accommodations in the wing, two dollars and fifty cents per week.

For indigent patients *of this State*, two dollars per week, or one hundred dollars per year, if they remain so long in the Asylum.

Those who require extra accommodations, and those laboring under nervous diseases, will be received at reasonable prices, according to the accommodations required.

No patient will be received for a less term than three months. But if the patient should recover before the expiration of that term, the pay for the unexpired time will not be required. If the patient remain longer than three months, the subsequent payments will be required only for the time the patient remains.

No charge is made for damages in any case.

Application for the admission of patients may be made, by letter or otherwise, to Dr. Wm. H. Rockwell, or either of the Trustees.

## CENSUS.

AGGREGATE AMOUNT, by towns and counties, of the free white persons and free colored persons, in the State of Vermont, as taken by the Marshal of the United States for the Vermont District, conformably to the provisions of the act of Congress of the United States, entitled "An Act to provide for taking the sixth census or enumeration of the inhabitants of the United States," approved the 3d day of March, 1839; an attested copy whereof was duly filed by said Marshal, conformably to law, with the Clerk of the District Court of the United States in said District, on the 25th day of November, 1840, to wit:

Name of county.	Name of Ward, town, township, parish, precinct, hundred, or dis- trict.	Total pop.	Name of county.	Name of Ward, town, township, parish, precinct, hundred, or dis- trict.	Total pop.
CHITTENDEN	Burlington	4,271	FRANKLIN	Avery's Gore	35
	Shelburne	1,089		Bakersfield	1,258
	Charlotte	1,620		Berkshire	1,818
	Milton	2,136		Enosburgh	2,022
	St. George	121		Franklin	1,410
	Hinesburgh	1,682		Fairfield	2,448
	Colchester	1,739		Fletcher	1,014
	Williston	1,554		Montgomery	548
	Richmond	1,054		Richford	914
	Buel's Gore	18		Sheldon	1,734
	Huntington	914		St. Albans	2,702
	Essex	1,824		Fairfax	1,919
	Westford	1,352		Georgia	2,106
	Bolton	470		Swanton	2,313
	Underhill	1,441		Highgate	2,292
	Jericho	1,684			24,532
		22,978			

Name of county.	Name of Ward, town, township, parish, precinct, hundred, or district.	Total.	Name of county.	Name of Ward, town, township, parish, precinct, hundred or district.	Total.
CALEDONIA.	Barnet	2,030	ESSEX.	Bloomfield	179
	St. Johnsbury	1,887		Brighton	157
	Lyndon	1,753		Brunswick	130
	Waterford	1,388		Canaan	378
	Sutton	1,068		Concord	1,024
	Burke	997		East Haven	79
	Sheffield	821		Granby	105
	Kirby	520		Guildhall	470
	Newark	360		Lunenburg	1,130
	Bradley's Vale	350		Lemington	124
	Danville	2,633		Maidstone	271
	Wheelock	881		Averill	11
	Hardwick	1,354		Victory	140
	Goshen Gore by			Wenlock	28
	Wheelock	143			4,226
	Walden	913	GRAND ISLE.	South Hero	664
	Cabot	1,440		Grand Isle	724
	Groton	928		North Hero	716
	Goshen Gore by			Isle la Mott	435
	Plainfield	44		Alburgh	1,344
	Harris's Gore	16			3,883
ORLEANS.	Peacham	1,443	WASHINGTON.	Cafais	1,709
	Ryegate	1,222		Marshfield	1,156
		21,891		Middlesex	1,279
	Craftsbury	1,151		Munroe	1,092
	Albany	920		Montpelier	3,725
	Lowell	431		Plainfield	880
	Westfield	370		Waterbury	1,192
	Jay	308		Worcester	587
	Troy	856		Northfield	2,013
	Newport	591		Barre	2,126
	Coventry Gore	10		Berlin	1,598
	Irasburgh	971		Roxbury	784
	Coventry	786		Moretown	1,128
	Derby	1,681		Duxbury	820
	Salem	299		Waitsfield	1,048
	Glover	1,119		Fayston	635
	Greensboro'	883		Warren	943
	Charleston	731			23,506
	Brownington	486			
	Westmore	122			
	Holland	605			
	Morgan	422			
	Barton	892			
		13,624			

## APPENDIX.

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Name of county.	Name of Ward, town, township, parish, precinct, hundred, or dis- trict.	Total.	Name of county.	Name of Ward, town, township, parish, precinct, hundred, or dis- trict.	Total.
WINDHAM.	Brookline	328	WINDSOR.	Pomfret	1,774
	Jamaica	1,586		Hartford	2,194
	Newfane	1,043		Hartland	2,341
	Stratton	341		Woodstock	3,315
	Townsend	1,345		Bridgewater	1,363
	Wardsboro	1,102		Norwich	2,218
	Marlboro'	1,027		Sharon	1,371
	Somerset	262		Royalton	1,917
	Dover	729		Bethel	1,886
	Halifax	1,399		Barnard	1,774
	Wilmington	1,296		Stockbridge	1,419
	Whitingnam	1,391		Rochester	1,396
	Rockingham	2,330		Chester	2,303
	Westminster	1,546		Andover	878
	Athens	378		Baltimore	155
	Windham	757		Weston	1,032
	Londonderry	1,216		Springfield	2,625
	Grafton	1,326		Weathersfield	2,082
	Acton	170		Windsor	2,744
	Putney	1,382		Reading	1,363
ORANGE.	Dummerston	1,263	BENNINGTON.	Plymouth	1,417
	Brattleboro'	2,623		Ludlow	1,363
	Guilford	1,525		Cavendish	1,427
	Vernon	705			40,359
		27,431			
	Topsham	1,745		Stamford	662
	Orange	984		Glastenbury	53
	Washington	1,359		Searsburg	120
	Williamstown	1,620		Bennington	3,429
	Bradford	1,655		Woodford	487
	Corinth	1,970		Readsboro'	767
	Vershire	1,998		Pownal	1,613
	Chelsea	1,959		Shaftsbury	1,835
	Brookfield	1,789		Sandgate	777
	Newbury	2,579		Peru	578
	Strafford	1,761		Landgrove	345
	West Fairlee	824		Sunderland	437
	Fairlee	644		Arlington	1,035
	Braintree	1,232		Rupert	1,091
	Randolph	2,678		Dorset	1,432
	Tunbridge	1,811		Winhall	576
	Thetford	2,065		Manchester	1,590
		27,873			16,879

Name of county.	Name of Ward, town, township, parish, precinct, hundred, or district.	Total.	Name of county.	Name of Ward, town, township, parish, precinct, hundred, or district.	Total.
RUTLAND.	Castleton	1,769	ADDISON.	Whiting	660
	Fairhaven	633		Weybridge	797
	Westhaven	774		Shoreham	1,675
	Benson	1,403		Panton	670
	Orwell	1,504		Middlebury	8,161
	Sudbury	796		Leicester	602
	Hubbardton	719		Ferrisburgh	1,755
	Chittenden	644		Cornwall	1,163
	Clarendon	1,549		Bridport	1,480
	Danby	1,379		Addison	1,229
	Ira	430		Bristol	1,233
	Mendon	545		Monkton	1,310
	Middletown	1,057		New Haven	1,503
	Mount Holly	1,356		Starksboro'	1,263
	Mount Tabor	226		Ripton	357
	Pawlet	1,748		Goshen	621
	Pittsfield	615		Granville	545
	Poultney	1,880		Hancock	455
	Sherburne	498		Salisbury	942
	Shrewsbury	1,218		Waltham	283
LAMOILLE.	Tinnmouth	781		Vergennes city	1,017
	Wallingford	1,608		Avery's Gore	78
	Wells	740			28,569
	Rutland	2,708	LAMOILLE.	Stowe	1,371
	Pittsford	1,927		Morristown	1,502
	Brandon	2,194		Mansfield	223
		30,701		Sterling	193
	Elmore	476		Belvidere	207
	Wolcott	824			10,388
	Hydepark	1,080			
	Eden	702			
	Cambridge	1,790			
	Waterville	610			
	Johnson	1,410			

## RECAPITULATION,

Exhibiting the general aggregate amount of the free white males, free white females, free colored males, free colored females, and the total aggregate amount of the inhabitants of the State of Vermont, according to the census or enumeration of 1840, to wit:

Free white males,	-	-	-	146,313
Free white females,	-	-	-	144,817
Total number of white persons,				291,130
Free colored males,	-	-	-	361
Free colored females,	-	-	-	357
				718
				291,848

DISTRICT CLERK'S OFFICE, }  
*Vermont District, to wit:*

I, Jesse Gove, Clerk of the District Court of the United States within and for the Vermont District, do hereby certify that the preceding ten folios contain a true copy of the sixth census or enumeration of the inhabitants of the State of Vermont, omitting the classifications, but exhibiting the aggregate amounts of inhabitants in each town, city, and county in said State; all which is taken from the Marshal's copy, by him duly certified, and filed in this office, according to law, on the 25th day of November, 1840.

In testimony whereof, I have hereunto affixed the seal of said  
 { L. S. } Court, and subscribed my name, at Rutland, in said District, this  
 twenty-second day of October, A. D. 1841, and of the independence of the United States the sixty-sixth.

JESSE GOVE, Clerk.

# REPORT OF THE AUDITOR IN THE TREASURY DEPARTMENT.

## *To His Excellency the Governor of the State of Vermont :*

The undersigned, auditor in the Treasury, would respectfully report, that in pursuance of the duties imposed on him by law, he has examined the state of the Treasury and of the late Treasurer's accounts, from the first to the fourteenth day of October instant, the day on which said Treasurer ceased to execute the duties of the office, and the following is an exhibit of the operations and situation of that department during said period.

## *The State of Vermont in account with Henry F. Jones, Treasurer, Dr.*

To paid Judges of the Supreme Court, their salaries in part, to wit:			
amount received by the Judges in all,	630 22		
from which deduct fees in civil suits,	206 27	428 95	
paid Supreme and County Court orders,		5653 27	
paid auditor's orders,		926 30	
paid C. L. Kaapp, half year's salary as Secretary of State,		137 50	
paid William Weston, one quarter's salary as reporter of decisions of Supreme Court,		112 50	
paid D. W. C. Clarke, half year's salary as Secretary of the Senate,		125 00	
paid P. T. Washburn, half year's salary as Assistant Clerk of the House,		62 50	
paid order of Adjutant and Inspector General,		10 38	
paid fox certificates,		335 75	
paid wolf certificates,		20 00	
paid bear and cub certificates,		13 00	
paid cocoon certificates,		583 61	
paid interest to banks on advances, viz:			
Bank of Orleans,	13 34		
Bank of Orange County,	2 84		
Bank of Woodstock,	27 67		
Bank of Bellows Falls,	80 52		
Bank of Brattleboro,	112 60		
Bank of St. Albans,	82 60		
Bank of Manchester,	22 97		
Bank of Burlington,	57 22		
Bank of Caledonia,	22 82		
		422 58	
paid for bill of the Vermont State Bank,		3 00	
balance remaining in the Treasury,		2007 99	
		<b>\$10,837 33</b>	

# APPENDIX.

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		Cr.
By balance in the Treasury on the 30th September, 1841,		\$3794 91
cash received for taxes,	principal, 1794 71	
for interest on arrearages,	53 79	
		1848 50
of several State's Attornies,		83 00
of Clerk's of Supreme and County Courts,		271 80
interest paid on school fund notes,		108 21
for pedlar's licences,		202 50
of Banks, dividend for School fund, viz :		
Bank of Burlington,	541 84	
Bank of Caledonia,	173 18	
Bank of Orleans,	180 00	
Bank of Vergennes,	144 00	
Bank of Middlebury,	717 50	
Bank of Brattleboro',	526 06	
Bank of Manchester,	233 33	
Bank of Bellows Falls,	1000 00	
		3515 91
from Banks for safety fund, viz :		
Farmer's Bank,	450 00	
Bank of Brattleboro',	562 50	
		1012 50
		\$10,837 33

Which is respectfully submitted.

JOSEPH BERRY, Auditor.

October 14, 1841.



REPORT OF COMMITTEE ON EDUCATION.

---

*To the Senate :*

The Committee on Education, to whom was referred a bill entitled "An Act to incorporate the Whitingham Academy," and a bill entitled "An Act establishing an Academy in Corinth," respectfully

## REPORT :

That during the last two years, applications have been made to the Legislature for acts to incorporate literary institutions. Your committee, however, believe that the provisions of Chapter 81 of the Revised Statutes are amply sufficient to give to such institutions all the powers and privileges necessary to enable them to act efficiently in promoting the cause of education. Your committee learn that one reason why individuals, wishing to establish such institutions, apply to the Legislature for a special act of incorporation, instead of associating agreeably to the provisions of the general law, is, an apprehension, in case the State should hereafter see fit to bestow pecuniary aid upon our literary institutions, that those incorporated under the general law would not be viewed with the same favor and consideration as those incorporated by special act. But your committee see no good foundation for such a suspicion. They believe that the leading object in framing the general law was, to place such institutions, in all respects, on equal and common ground with those specially incorporated, and thus obviate the necessity of passing special acts for this purpose. Besides, so obvious would be the injustice of making a distinction between such institutions in regard to their claim upon the patronage and favor of the State, that your committee cannot believe that any Legislature would ever attempt to set up such distinction.

Your committee, therefore, believing that literary institutions established under the general law enjoy all the powers and privileges to which a special act of incorporation would entitle them, are unanimous in the opinion that it is unnecessary to pass the bills referred to them as above specified.

H. EATON, for Committee.

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REPORT AND RESOLUTIONS OF COMMITTEE OF ELECTIONS.

---

*To the Hon. Senate of the State of Vermont:*

Your Committee on Elections, to whom was referred the memorial of the Hon. Moody Rich, claiming to have been elected a senator of this State by a majority of the votes of the freemen of the county of Essex; the petition of George E. Holmes, and others, praying that said Rich may be admitted to a seat in the Senate from the county of Essex; and the memorial of James Towl and 19 other inhabitants of the town of Victory, praying that the organization of Victory may be regarded as strictly legal, have had the same under consideration, and respectfully

REPORT:

That, by the certificate of the County Clerk of the county of Essex, which was also referred by the Senate to your committee, it appeared that in counting the votes for senator in said county, he omitted to count the votes returned from the town of Victory. The votes in all the towns in said county, except Victory, were, for Mr. Howe, 389, for Mr. Rich 377; being a majority for Mr. Howe of 12 votes. The votes from the town of Victory were, for Mr. Howe 7, for Mr. Rich 24; which, being added to the amount of votes from the other towns in said county, would be, for Mr. Howe, 396, for Mr. Rich, 401; being a majority for Mr. Rich of five votes. There was also referred to your committee by the Senate, a remonstrance signed by eight of the inhabitants of the town of Victory, against the said Clerk's receiving or counting the votes for senator, returned from said Victory, and a copy of the records of said town, which were received by the said County Clerk on the day on which he counted the votes for senators, on the examination of which the said clerk certifies that he felt it to be his duty not to count the votes from the said town of Victory. Said papers, marked A and B, accompany this report. The counsel for Mr. Howe presented a certified copy of the records of the organization of the town of Victory, signed by Loomis Wells, town clerk, which paper also accompanies this report.—[No. 1.]

The counsel for Mr. Howe also introduced the depositions of Isaac R. Houston, Chauncey Hildreth, and John Shores.

The counsel for Mr. Rich introduced the depositions of Loomis Wells, Ransom Hall, Levi P. Shores, Ansel Hammon, and Elisha Gustin, and also a check-list of the freemen of the said town of Victory, from all which your committee collect the following facts:

That, at the time of making the application to the Justice to warn a meeting, to organize the town of Victory, there were twenty-eight families in town. That application was made to Ansel Hammon, Esq., a justice of the

peace of the county of Essex, by four or more of the inhabitants of said Victory, who are freeholders, requesting said justice to call or warn a meeting of all the legal voters in said town, to meet for the purpose of organizing the same.

That said justice put up notifications dated the 8th day of April, 1841, at four of the most public places in said town, warning all the legal voters thereof to meet at the dwelling-house of Orin Hall, on lot No. 6, range 8, on the 3d day of May, then next, at 10 o'clock, forenoon, for the purpose, 1st, to choose a moderator, and 2d, to choose town officers. That, on the said 3d day of May, the voters in town, to the number of 25, 26, or 27, did assemble agreeably to said notice or warning, and that but 5 or 6 voters in the town were absent. That on looking at the warning, the justice said he had made a mistake in stating the number and range of the lot, and in the presence of the voters present, altered it to lot No. 8, range 5, which was the true number and range of the lot on which the house of Orin Hall stood, at which the meeting was holden. That the meeting was then called to order, and Isaac R. Houston was chosen moderator, and took the chair; some objections were then made to organizing, because the charter of the town was not present, and some confusion arose, and during this time the three following votes were taken and declared by the moderator, viz: 1st, voted not to organize; 2d, voted to pass over the second article; and 3d, voted to dissolve the meeting. On the moderator's declaring it to be a vote to dissolve the meeting, the vote was questioned, says one witness, in one minute; others say immediately, others say within ten or fifteen minutes, and others that it was half an hour.—Your committee, on taking into consideration all the testimony relating to the challenging the vote to dissolve the meeting, arrive at the following conclusion: that one or two of the voters did challenge the vote immediately, that then reference was had to the statute for information, and that after some consultation, and at the expiration of fifteen or twenty minutes, and perhaps more, eight or nine voters formally challenged the vote, upon which the moderator again took the question, which was then decided almost unanimously in the negative. They then proceeded to the choice of town clerk, and other town officers. Subsequently, those officers have acted in their official capacity, the select men laying out roads, the town clerk in recording deeds, &c. It further appeared to your committee, that Orin Hall, in the fall of 1840, sold a farm on which he had lived for several years, which was on the river, about six miles distant from the new house in which the meeting was holden. That he left the house on the river on or about the 6th day of April, 1841, and moved into a house belonging to Ransom Hall, within about two miles of the house where the meeting was holden, where he resided until about the 26th of April, when he moved into his own house. The reason assigned for his not going immediately into his own house was on account of the depth of snow. One witness testifies that the warning for the meeting which was dated the 8th day of April, was put up before O. Hall moved from the river to Ransom Hall's. Your committee are satisfied that said O. Hall moved from the river about the time the notice was put up; it might have been a day or two before or after. The counsel for Mr. Howe offered certain open affidavits, by which it was alledged that it could be proved that Mr. Howe had a majority of the legal votes in the county of Essex, admitting the votes from Victory to be counted; he also offered a deposition to impeach the testimony of A. Hammon and R. Hall, which was taken without notice being given to Mr. Rich. The affidavits and deposition were rejected by the committee.

Your committee acknowledge they have felt some embarrassment in prosecuting their inquiries and in coming to the result they have. This is the first instance of the election of a senator being contested since the organization of this branch of the legislature, and the first in any contested election in this State, when the organization of a town has been called in question; and whatever errors your committee may have committed in the admission or rejection of testimony, or however erroneous their judgment may be considered by the Senate, in the result at which they have arrived, they would assure the Senate, and particularly those feeling most interested, that they have endeavored, without partiality, to arrive at the truth.

If the town of Victory is an organized town, the dispute is ended. Your committee are inclined to the belief that such is the fact, and are unanimous in the belief that on the first Tuesday of September last, Moody Rich did receive a majority of the votes of the freemen of the county of Essex, for senator of this State, and was duly elected, and therefore recommend the passage of the accompanying resolutions; all which is respectfully submitted for the consideration of the senate.

MOSES FISK, for Committee of Elections.

*Resolved*, That the Hon. Stephen Howe, now holding a seat in this senate, as a senator from the county of Essex, not having received a majority of the votes of the freemen of said county, is not entitled to his seat.

*Resolved*, That the Hon. Moody Rich, having received a majority of the votes of the freemen of the county of Essex, is entitled to a seat in this senate as senator from said county.

## VERMONT MILITIA—1841.

*ABSTRACT of the annual return of the Militia of the State of Vermont,  
for the year 1841.*

Aggregate,	General Staff, Cavalry, Artillery, Infantry, Riflemen, Light Infantry,	
		Major Generals.
4	4	Brigadier Generals.
9	9	Adj't. and Inspec. General.
1	1	Quarter Master General.
1	1	Aids-de-Camp.
14	14	Brigade Majors.
9	9	Brigade Quarter Masters.
9	9	Division Inspectors.
3	3	Division Quarter Masters.
3	3	Colonels.
27	26	Lt. Colonels.
26	25	Majors.
27	26	Adjutants.
27	26	Quarter Masters.
27	26	Pay Masters.
23	22	Chaplains.
27	26	Surgeons.
24	23	Surgeon's Mates.
271	10 17 188 33 23	Captains.
551	20 40 379 69 43	Lieutenants.
9	9	Cornets.
25	24	Sergeant Majors.
25	24	Quarter Master Sergeants.
1107	16 92 721 157 121	Musicians.
		Buglers and Trumpeters.

*ABSTRACT of the annual return of the Militia of the State of Vermont  
for the year 1841—concluded.*

Aggregate,	Light Infantry,	Riflemen,	Infantry,	Artillery,	Cavalry,	General Staff,	
1129	89	142	683	76	39		Sergeants.
837	79	113	530	61	34		Corporals.
							Artificers.
20311	1296	1841	15588	842	444		Privates.
1112	66	110	820	77	39		Total commissioned officers.
23034	1585	2275	17570	1071	533		Total non-commissioned officers, musicians, artificers and privates.
24146	1651	2385	18390	1148	512		Aggregate.
3			3				No. of Divisions.
928			927				No. of Brigades.
		1					No. of Regiments.
							No. of Battalions.
304	23	35	216	28	10		No. of Companies.
							Remarks.

**ARMS, ACCOUTREMENTS AND AMMUNITION.**

		ORDNANCE AND ORDNANCE STORES.	
		BRASS.	
1	Three pounder.		
5	Six pounders.		
	Pounders.		
	Pounders.		
	Pounders.		
	Pounders.		
	Pounders.		
	Pounders.		
	Pounders.		
	Pounders.		
	Inch howitzers.		
	Inch howitzers.		
	Inch howitzers.		
2	Four pounders.		
10	Six pounders.		
	Pounders.		
	Pounders.		
	Pounders.		
	Pounders.		
	Pounders.		
	Pounders.		
	Pounders.		
	Pounders.		
	Inch howitzers.		
	Inch howitzers.		
	Inch howitzers.		
15	Sponges and Rammers.		
10	Ladles and Worms.		
10	Bricoles and Drag Ropes.		
12	Trail Handspikes.		
3	Lead Aprons.		
23	Ammunition Boxes.		
3	Tumbrels and Powder Carts.		
7	Sets of Harness.		
	Rounds of Shot and Shells.		
	Pounds of Cannon powder.		

## APPENDIX.

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13213	Muskets.
13034	Bayonets.
12538	Cartridge boxes and Belts.
12665	Bayonet scabbards and Belts.
12753	Brushes and Picks.
22664	Spare Flints.
	Ball Cartridges.
1686	Rifles.
1675	Powder Horns.
1697	Pouches.
	Loose Balls.
	Pounds of Rifle Powder.
307	Horseman's Pistols.
1633	Swords.
1633	Sword Scabbards and Belts.
2160	Knapsacks.
3	Haversacks.
426	Drums.
194	Fifes.
24	Bugles and Trumpets.

ADJUTANT GENERAL'S OFFICE, Rutland, }  
 1st day of October, A. D. 1841. }  
 F. W. HOPKINS, *Adj. General of the Militia of the*  
*State of Vermont.*



## QUARTER MASTER GENERAL'S REPORT.

### QUARTER-MASTER GENERAL'S OFFICE, }

MONTPELIER, Oct. 22, 1841.

Sir: In compliance with the duty enjoined on the Quarter-Master General by an act passed Nov. 1, 1837, I herewith submit to you, a return of the ordnance, apparatus, arms, and other military property of the state in my possession; also of the ordnance, apparatus, arms and other military property distributed to each brigade in the militia. I have likewise prepared from the regimental returns, (so far as returns from them have been received,) an abstract of the receipts and disbursements on each, which is also submitted.

The military property in my possession is all in good order, and is deposited in the United States Arsenal at Vergennes.

I find, on an examination and comparison of the several regimental returns for the past and present years, that regiments numbered 3, 4, 5, 6, 8, 9, 16, 17, 18, 23, 25, and 27, are correct, or at least have no material errors, while those of the remaining ones are, more or less, defective; several of them so much so, that I think it unsafe to place any reliance on their accuracy. Some of the most important of these defects I have noted and appended to my abstract of returns herewith presented, an examination of which will enable you to discover that much of the public property and funds remain unaccounted for, and that some has been, and considerable may have been, appropriated to objects not warranted by the law.

In order to secure for the future a more strict accountability on the part of those military officers entrusted with the public property and the funds of the State, (an object desired by none more than by the officers themselves,) I am persuaded further legislation is necessary, and I would respectfully suggest for your consideration, whether it would not be expedient to provide,

1st. That each adjutant of the several regiments, shall, annually, on the 1st day of ——— make a return to the Quarter-Master General of all the public military property that was in possession of his regiment on the first day of the preceding month of ———. The correctness of the return to be verified by the field officers.

2d. That each regimental Quarter-Master shall, annually, on the 1st day of ——— make a return to the Quarter-Master General of all the funds received and disbursed by his regiment the preceding year, particularly specifying in said return, how the funds accrued, whether from the State, or from fines or otherwise, also the amount of executions uncollected. That he shall state how much was paid for drills, (the mode of procuring the means from the State to pay for them to be as now provided.) For the expenses of court-martial, he shall be required to state the number of days spent by each officer and witness—the number of miles travel, and the amount paid each. Also the amount paid for musical instruments, specifying the articles bought, and the cost of each article.

3d. That the Quarter-Master General shall provide a book in which all the foregoing returns shall be recorded, and shall also be empowered to

enforce, if need be, on the returning officers, a performance of their several duties.

These are the material provisions that have occurred to me as being necessary to secure a strict accountability for the money and property of the State. In case these or similar measures shall be adopted, some of the present laws should of course be repealed.

Since the passage of the law for reorganizing the militia, I have delivered to the colonels of twenty regiments 1391 muskets, and to the colonels of twenty regiments 1479 rifles.

The late period when the returns came to my hands, I offer as an apology for not making you this communication at an earlier date.

I am, sir, with the greatest respect,

Your most obedient servant,

DAVIS RICH,

*Quarter-Master General of the Militia of Vermont.*

To his Excellency, C. PAINE,

*Governor and Commander-in-Chief.*





<i>ABSTRACT of moneys received for fines, and how appropriated.</i>						
Amount brought forward, . . .	33 00	61 98	16 42		12 45	51 00
Cash received for fines, . . .	204 87	813 49	102 87	126 94	82 31	107 02
Cash received from State Treasury, . . .	300 00	198 60	254 00	225 00	266 00	194 00
TOTAL CASH RECEIVED, . . .	537 85	573 47	373 29	351 94	360 76	357 02
Cash paid on orders of Cols. for musical instruments, . . .		87 50		64 79	23 67	9 00
Cash paid Officers at Drills, . . .	258 00	198 00	230 00	223 75	274 00	213 00
Cash paid Regimental Courts Martial, . . .	227 24	77 50	96 72	264 34	56 55	101 33
TOTAL CASH PAID OUT, . . .	474 24	363 00	326 72	352 88	354 22	323 33
Balance in Quarter Master's hands, . . .	52 63	210 47	46 75	94	6 54	33 69

*ABSTRACT of moneys received for fines, and how appropriated.*

(Continued.)

	7th Regiment.					
	8th Regiment.					
	9th Regiment.					
	10th Regiment.					
	11th Regiment.					
	12th Regiment.					
Amount brought forward, . . . . .	11 66	144 64	45 37	30 95	42 25	
Cash received for fines, . . . . .	128 17		109 01	207 05		
Cash received from State Treasury, . . . . .	375 00	70 00				
TOTAL CASH RECEIVED, . . . . .	514 83	214 64	154 38	238 00	42 25	
Cash paid on orders of Cols. for musical instruments, . . . . .	80 00	10 00	93 35			
Cash paid Officers at Drills, . . . . .	329 86	269 00	36 00	238 00		
Cash paid Regimental Courts Martial, . . . . .	95 22	81 27	22 90		36 06	
TOTAL CASH PAID OUT, . . . . .	505 08	360 27	152 25	238 00	36 06	
Balance in Quarter Master's hands, . . . . .	9 75	145 63	2 12		6 19	

<b>ABSTRACT of moneys received for fines, and how appropriated.</b> (Continued.)									
Amount brought forward, . . . . Cash received for Fines, . . . . Cash received from State Treasury, . . . .  TOTAL CASH RECEIVED, . . . .  Cash paid on orders of Cole, for musical instruments, Cash paid officers at Drills, . . . . Cash paid Regimental Courts Martial, . . . .  TOTAL CASH PAID OUT, . . . .  Balance in Quarter Master's hands, . . . .					13th Regiment.				
No return.					14th Regiment.				
5 78 35 00 13 26 54 04					15th Regiment.				
379 40 279 00 84 87 10370 76					16th Regiment.				
526 89 309 00 76 168 512 86					17th Regiment.				
313 58 259 00 45 00 804 00					18th Regiment.				
12 94 8 64 14 03 9 58									

*ABSTRACT of moneys received for fines, and how appropriated.*

(Continued.)

	19th Regiment.	20th Regiment.	21st Regiment.	22d Regiment.	23d Regiment.	24th Regiment.
Amount brought forward, . . . . .				7 84	174 74	11 18
Cash received for Fines, . . . . .	176 60	93 34	51 53	54 82	83 34	89 62
Cash received from State Treasury, . . . . .	384 00	409 00		249 90	140 00	100 00
<b>TOTAL CASH RECEIVED,</b> . . . . .	<b>560 60</b>	<b>502 34</b>	<b>51 53</b>	<b>312 56</b>	<b>398 08</b>	<b>200 80</b>
Cash paid on orders of Cols. for musical instruments, . . . . .	59 72				30 50	
Cash paid officers at Drills, . . . . .	338 00	335 00		218 00	268 00	118 00
Cash paid Regimental Courts Martial, . . . . .	163 25	147 82		69 58	55 22	79 64
<b>TOTAL PAID OUT,</b> . . . . .	<b>560 97</b>	<b>482 82</b>		<b>287 58</b>	<b>353 72</b>	<b>197 64</b>
Balance in Quarter Master's hands, . . . . .	37 19	52	51 53	74 98	44 36	3 16



(Concluded.)

**\$195 39 Balances due Quarter Masters.**

- 1st. Regiment has failed to account for ten muskets it has received from the Quarter Master.
- 2d Regiment appropriated in 1840 and 1841 \$237 50 for musical instruments, while it has returned of musical instruments on hand, 8 bass drums, 3 tenor drums and 4 fifes only.
- 7th Regiment charged last year \$200 paid musical instruments, and has returned this year as belonging to the state 2 tenor drums only. I also find that it drew from the state to pay for drill last year \$274. Of this sum only \$117 40 cents is accounted for. The returns are besides deficient in so many particulars that I have not inserted it in the abstract.
- 10th Regiment. The Quarter Master charges \$93 35 paid on the order of the Colonel without specifying the purppse for which the order was given.
- 11th Regiment. No return of receipts or expenditures.
- 12th Regiment. Unofficial.
- 13th Regiment. No return of receipts or expenditures, and a failure to account for a balance of \$33 64 reported last year as being in the hands of the Quarter Master.
- 14th Regiment. No return.
- 15th Regiment has drawn from the state treasury to pay for drills \$175. No part of this sum is accounted for this year.
- 19th Regiment has charged \$59 72 paid on order of Col. without naming the purpose for which the order was given. It has also charged for cost of Court Martial. Of musical instruments 1 bugle and 1 bass drum are returned.
- 20th Regiment has charged \$147 82 without specifying fo what purpose paid.

DAVIS RICH,

*Quarter Master General of the militia of the State of Vermont.*

QUARTER MASTER GENERAL'S OFFICE, }  
Montpelier, 22d day of Oct. 1841. }

**ORDNANCE.**

---

**RETURN OF THE ORDNANCE, APPARATUS, ARMS, AND  
OTHER MILITARY PROPERTY OF THE STATE  
IN MY POSSESSION.**

3 pieces of six pounder iron cannon.  
4312 muskets complete.  
104 rifles complete.  
61 powder horns, and  
61 cartouch boxes.

**DAVIS RICH,**

*Quarter Master General of the militia of the State of Vermont.*

**QUARTER MASTER GENERAL'S OFFICE, }  
Shoreham, September 30th, 1841. }**





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